

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WEIGANG WANG and HAILONG YU, on
behalf of himself and all other
persons similarly situated,

CIVIL ACTION NUMBER:

Plaintiffs,

3:15-cv-02950-MAS-DEA

-vs-

CHAPEI LLC d/b/a Wok Empire, CHA
LEE LO, and JOHN DOES #1-10,

BENCH TRIAL

Defendants.

Clarkson S. Fisher United States Courthouse
402 East State Street
Trenton, New Jersey 08608
July 9, 2019

B E F O R E: HONORABLE MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

TROY LAW, PLLC
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On behalf of the Plaintiffs.

WANG, GAO & ASSOCIATES, P.C.
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On behalf of the Defendants.

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1 THE DEPUTY COURT CLERK: All rise.

2 (PROCEEDINGS held in open court before The Honorable
3 Michael A. Shipp, United States District Judge, at 9:48 a.m.)

4 THE DEPUTY COURT CLERK: All rise.

5 THE COURT: Please be seated. Good morning.

6 Counsel, we are here and we are on the record in the
7 bench trial matter of Wang v. Chapei, Docket Number 15-2950.

8 May I have appearances of counsel, please.

9 MR. DONG: Good morning, your Honor.

10 Adam Dong for plaintiff.

11 MR. WANG: Good morning, your Honor.

12 Heng Wang from the law office of Wang, Gao &
13 Associates. I represent the defendants in this matter.

14 THE COURT: Good morning.

15 So, we are here because there is an underlying action
16 arising from plaintiffs' employment as cooks at the
17 defendants' restaurants. The plaintiffs allege that the
18 defendants violated the Fair Labor Standards Act and the New
19 Jersey Wage and Hour Law by failing to pay plaintiffs the
20 minimum wage and overtime. Defendants argue that plaintiffs'
21 claim is time-barred and that the Fair Labor Standards Act
22 does not apply to defendants.

23 This will be a three-day bench trial. Because it is
24 plaintiffs' burden to establish a prima facie case under the
25 Fair Labor Standards Act and New Jersey Wage and Hour Law,

1 plaintiffs will present their case first, followed by
2 defendants.

3 The Court will provide counsel with the opportunity
4 to present brief openings statements. But before we entertain
5 that, there were some preliminary motions that counsel need to
6 make so that we can be clear as to which items are part of the
7 evidentiary documents that will be presented and which items
8 are not.

9 So, I'm going to start by asking plaintiffs to make
10 whatever preliminary motions you wanted to make, and then I'll
11 follow up with defendants making your preliminary motions.

12 Plaintiff has presented about three motions to the
13 Court.

14 Let's first undertake the issue with regard to the
15 items that you claim lack of authentication.

16 Mr. Dong, let me hear from you.

17 MR. DONG: Your Honor, plaintiffs seek to exclude
18 Defendants' Exhibit A, the complaint, for lack of
19 authentication. Basically, the defendants cannot lay the
20 foundation for those exhibits.

21 THE COURT: Is that the only item that you're looking
22 to exclude?

23 MR. DONG: And also, the answer, that's Exhibit B.
24 And also, Defendants' Exhibit C, that's plaintiffs' Rule 26(a)
25 disclosure.

1 These exhibits, plaintiffs object on the ground for
2 lack of authentication.

3 THE COURT: What about Exhibit E? I thought that was
4 also part of your motion?

5 MR. DONG: For an exhibit, I believe it's --

6 THE COURT: The response to the defendants' document
7 requests.

8 MR. DONG: I'm sorry, yes. Plaintiffs also seek to
9 exclude that exhibit for the same reason.

10 THE COURT: Okay. Mr. Wang.

11 MR. WANG: Your Honor, first as to the complaint, the
12 complaint bears a filing date. This is a FLSA litigation.
13 The recovery of damages in the event that plaintiffs prevail
14 has to do with statute of limitations. So the filing date, I
15 think, is one of the important facts of the case.

16 And also, the complaint is -- the pleadings contained
17 facts asserted by the plaintiffs.

18 If your Honor -- I mean, I suppose we can still use
19 it for impeachment purposes but we do need the Court to -- the
20 complaint should be admitted into evidence for the purpose of
21 establishing at least a filing date.

22 THE COURT: Are you going to rebut the other items?
23 The answer? The Rule 26?

24 MR. WANG: The answer is fine. We don't need to
25 introduce the answer as evidence.

1 THE COURT: So you're conceding that item B is
2 excluded?

3 MR. WANG: That's fine, your Honor.

4 And Number 3, I believe, is a Rule 26(a) disclosure.
5 That is a document where the plaintiff -- I'm sorry.

6 Yes, the plaintiffs stated their positions as to the
7 facts of the case and damage calculations. Because of that,
8 your Honor, I believe that that document should be taken into
9 consideration during this trial.

10 THE COURT: What about item E? Exhibit E?

11 MR. WANG: Item E, I'm fine with.

12 We don't need to --

13 THE COURT: You're conceding to Exhibit E? That it
14 should be excluded?

15 MR. WANG: That's fine.

16 THE COURT: Okay.

17 Having heard from the parties, it's the Court's
18 position that the plaintiffs' request to exclude the
19 complaint, which is Exhibit A, and Exhibit C, which are the
20 Rule 26 disclosures, those objections are going to be
21 overruled.

22 Federal Rule of Evidence 901(a) requires evidence to
23 be authenticated before it's admitted. "[T]he burden of proof
24 for authentication [,however] is slight [and] [a]ll that
25 is required is a foundation from which the fact-finder could

1 legitimately infer that the evidence is what the proponent
2 claims it to be." *U.S. v. Reilly*, 33 F.3d 1396, 1425 (3d Cir.
3 1994) (citation omitted). Here, the Court is satisfied that
4 the complaint and the Rule 26 disclosures are, in fact, those
5 documents. Moreover, these items are on the Court's docket
6 and the Court could, in essence, take judicial notice because
7 the items already are filed on the Court's docket.

8 So as to item A, that item is in.

9 Exhibit B is out by concession.

10 C is in.

11 And Exhibit E is out by concession.

12 So that's the first motion.

13 The next motion is the plaintiffs' motion with regard
14 to the introduction of items that were not produced during
15 discovery. That's Exhibit F which, I believe, are vendor
16 invoices.

17 Mr. Dong.

18 MR. DONG: Correct, your Honor. It is plaintiffs'
19 position that this exhibit should be excluded because the
20 plaintiffs never had the chance to examine the exhibit.

21 THE COURT: Mr. Wang.

22 MR. WANG: Your Honor, I believe a litigant's
23 obligations to produce discovery has to do with discovery
24 demands properly served upon the responding party.

25 If your Honor takes a look at Docket Number 37, it

1 explains certain issues related to the discovery demand
2 provided by the plaintiff counsel.

3 The plaintiff counsel, John Troy, who is a principal
4 of the firm previously signed and served a set of discovery
5 demands including interrogatories and the document production
6 request before he was admitted to practice before this Court
7 by *pro hac vice*. And also he served these discovery demands
8 by email. And I informed him, I do not consent to accept
9 service by email. And --

10 THE COURT: Service of the discovery?

11 MR. WANG: Service of the discovery demands by email.

12 Plus, your Honor, as reported to the Court, those
13 discovery demands were not properly executed by a lawyer
14 admitted to practice before this Court. He was admitted *pro*
15 *hac vice* at a later time. But when he signed them at the
16 discovery demand, I don't think he really had the authority to
17 sign those discovery demands.

18 THE COURT: The item that was signed, was it also
19 bearing the same letterhead of attorneys that are admitted in
20 this case who are local counsel?

21 MR. WANG: I don't think so.

22 THE COURT: It wasn't Mr. Dong at the time, but I
23 think Mr. Schweitzer.

24 Who is it, Counsel, that preceded current plaintiffs'
25 counsel?

1 MR. WANG: Mr. Schweitzer was also -- I think he
2 appeared at a later time as well.

3 THE COURT: Do I have a copy of this discovery
4 demand? Has that been submitted to the Court already?

5 Mr. Dong, do you know if I have a copy of this
6 discovery demand?

7 MR. DONG: Your Honor, I don't believe the Court has
8 one. However, your Honor, I believe Judge Arpert already
9 addressed this issue --

10 MR. WANG: Yes, Judge Arpert addressed this issue.
11 We had a discovery dispute. I basically reported the same
12 thing as I reported to your Honor, I reported to Judge Arpert.

13 THE COURT: And what did Judge Arpert rule?

14 MR. WANG: Judge Arpert provided an opportunity to,
15 you know, for the plaintiffs to resend discovery demands --

16 THE COURT: And did he resend the discovery demands?

17 MR. WANG: He did, despite my objection on the record
18 as to the manner of service. He served it by email again.

19 So -- and then he missed discovery -- I think he missed the
20 deadline to -- he missed the deadline to complete discovery.

21 The Court already -- when we talk about before Judge
22 Arpert -- this was already discussed. I said, I do not
23 consent to the manner of service. But despite that discussion
24 with the Court, I don't think he cared about it.

25 The same thing. He send the discovery demands by

1 email, and I object to it again. I think he missed the
2 deadline, and he made a motion to extend discovery. It got
3 denied. He made a motion for reconsideration of the Court's
4 decision on the discovery extension motion, and it got denied
5 again. So I don't think the discovery demands in this case
6 have ever been properly served.

7 If the plaintiffs' counsel claims that they are
8 entitled to any relief in connection with any discovery issue,
9 I would ask the Court to direct them to produce proof of
10 proper service. I don't think they're able to produce that.

11 THE COURT: Mr. Dong.

12 MR. DONG: Your Honor, defendants in this case
13 produced documents responding to plaintiffs' discovery
14 request, however, for reasons unstated, defendants failed to
15 produce this particular exhibit, the vendor invoices. And,
16 furthermore, I believe it is the defendants' obligation to
17 produce this -- these documents in the initial disclosure.

18 THE COURT: Okay. Having heard from the parties, the
19 Court agrees with the plaintiffs in this matter and sustains
20 this objection.

21 Federal Rule of Civil Procedure 37(c)(1) provides
22 that a party is not permitted to introduce evidence at trial
23 that was not produced during discovery unless that party has
24 substantial justification or the failure was harmless. Here,
25 defendants failed to persuade the Court that their failure to

1 produce this evidence was justified or that it will not harm
2 plaintiffs. By virtue of defendants' failure to produce the
3 vendor invoices during discovery, plaintiffs were deprived of
4 the opportunity to propound interrogatories and/or depose
5 witnesses regarding those invoices, so the vendor invoices are
6 out. They're excluded. Exhibit F is out.

7 Moving on. Defendants object to the introduction of
8 the following exhibit based on lack of foundation. So this is
9 the defendants' motion to Exhibit 1, which is an image of a
10 posted check.

11 So let me hear from Mr. Wang on this one.

12 MR. WANG: Thank you, your Honor.

13 Your Honor, we move to exclude Plaintiffs' Exhibit 1,
14 I think it's a copy of a check -- purportedly a copy of a
15 check. We ask the Court to exclude it on the basis of
16 foundation and hearsay. We don't believe the plaintiff has
17 provided proper foundation. Certainly, if they're able to
18 provide proper foundation during the trial, we will revisit
19 the issue.

20 Another objection, it's based on hearsay.

21 THE COURT: Okay. Mr. Dong.

22 MR. DONG: Your Honor, for clarification, Plaintiffs'
23 Exhibit 1 includes several documents which include defendants'
24 discovery production D-019 to -032 and plaintiffs'
25 production 1. Defendants only object to plaintiffs'

1 production 1. Plaintiffs' position is the check is self
2 authenticating and it is the opposing parties' statements that
3 should address the hearsay issue.

4 THE COURT: Okay. P-001 or Exhibit 1, basically, is
5 an image of a posted check. "Out-of-court statements that are
6 offered as evidence of legally operative verbal contact are
7 not hearsay," *United States v. Pang*, 362 F.3d 1187, 1192
8 (9th Cir. 2004), but rather they are verbal acts. Thus,
9 checks, along with any teller markings and routing stamps,
10 constitute "commercial event[s] which create legal rights and
11 obligations, and therefore no exception to hearsay need to be
12 found to" *Id.* admit them into evidence. Accordingly, the
13 Court is going to overrule the defendants' objection on this
14 one, and I'm going to allow Exhibit 1 to remain in. So
15 Exhibit 1 is in.

16 We move on.

17 I think that's it for now. There may be other
18 motions that could be made as part of the conclusions of law
19 and post-trial briefing. But with that, those are all the
20 preliminary matters that the Court has.

21 Are there any other preliminary matters that the
22 parties wants to bring before the Court before we start the
23 trial?

24 MR. DONG: Nothing from the plaintiffs.

25 MR. WANG: No, your Honor.

1 THE COURT: Then we're going to go ahead and start
2 with very brief opening statements from both sides.

3 I'll let the plaintiffs go first and then I'll hear
4 from defense counsel. Keeping in mind this is a bench trial,
5 folks, so I don't need really long statements.

6 Also, there's no jury here so there is no need for
7 any theatrics. I'll be very direct and very candid with you.
8 I have read the papers. I very much would like this to be as
9 streamline and as efficient as possible.

10 I know that you folks are paying to have interpreters
11 here. We certainly don't want to drag this out any longer
12 than need be.

13 With that being said, Mr. Dong, the floor is yours.

14 MR. DONG: Thank you, your Honor.

15 Your Honor, this is a straightforward nonpayment of
16 overtime case filed under the Fair Labor Standards Act and New
17 Jersey Wage and Hour Law.

18 Plaintiffs were employed by defendants initially as
19 miscellaneous kitchen workers and slowly worked their way up
20 as cooks. Throughout their employments, plaintiffs worked
21 six days, occasionally seven days per week. Defendants
22 required plaintiffs to work 10 hours a day. Despite their
23 long work hours, defendants failed to pay plaintiffs their
24 rightfully entitled overtime pay.

25 For the relevant period, from April 2012 to

1 April 2015, defendants operated seven Chinese kiosks inside
2 New Jersey ShopRite supermarkets. During the relevant period,
3 defendants employed at least 15 employees to work at these
4 seven kiosks. Defendants transferred employees around to
5 different locations based on needs. As a result, plaintiffs
6 worked all seven locations during the relevant period.

7 During the relevant period, defendants' business had
8 an annual gross revenue well over \$500,000 and its employees
9 handled goods through interstate commerce.

10 It is uncontroverted that individual defendants had
11 the authority to hire and fire employees on behalf of the
12 corporate defendants, determined employees' rate of pay,
13 controlled employees' schedule and maintained employees'
14 records. Defendants do not claim plaintiffs were exempt for
15 overtime during their work times.

16 Accordingly, at the conclusion of the trial, the
17 plaintiffs wish the Court would award them their rightfully
18 entitled overtime pay and such other compensation that the
19 Court deems just and proper. And also award plaintiffs'
20 reasonable attorney's fees and costs incurred in this action.

21 Thank you, your Honor.

22 THE COURT: Thank you.

23 Mr. Wang.

24 MR. WANG: Thank you, your Honor.

25 Your Honor, I agree. This is a simple and

1 straightforward FLSA case. Because this is a bench trial, I
2 don't think I need to use a lot of time. I just want to
3 mention one point that I made in the briefs that were
4 submitted to the Court.

5 In FLSA litigation, many practitioners, especially
6 plaintiff's counsel would assume they have a silver bullet
7 because of the burden shifting under the statute and in
8 pursuit of the case law. However, the accurate understanding
9 of that burden shifting is that the plaintiffs have the
10 initial burden to establish a prima facie case based on their
11 credible recollection -- at least if they don't have other
12 evidence to support at least they need to have credible
13 recollection in order to establish a prima facie case before
14 the burden shifts to employer to come up with evidence to
15 rebut their claims.

16 So a misunderstanding many plaintiff's counsels have
17 is they believe it is entirely the employer's burden to
18 disapprove their claims in light of the statutory
19 recordkeeping requirements.

20 I just want to emphasize this one point so that your
21 Honor will remember it during this proceeding.

22 Thank you, your Honor.

23 THE COURT: Okay. At this time, Mr. Dong, the Court
24 invites you to call your first witness.

25 MR. DONG: Your Honor, the plaintiffs call

—WANG - DIRECT - DONG—

1 Mr. Weigang Wang.

2 THE COURT: Let's swear in the interpreter, first.

3 LIAN WANG, INTERPRETER, SWORN.

4 THE DEPUTY COURT CLERK: Please state your name for
5 the record and spell your last name.

6 THE INTERPRETER: Lian Wang, W-A-N-G.

7 WEIGANG WANG, PLAINTIFFS' WITNESS, SWORN.

8 THE DEPUTY COURT CLERK: Please state your name for
9 the record and spell your last name.

10 THE WITNESS: Weigang Wang. W-E-I-G-A-N-G. W-A-N-G.

11 THE COURT: You can be seated.

12 So, I'm going to give a few general instructions so
13 that you understand. It's really important that you wait
14 until the question is fully posed before you begin to answer.
15 We have a court reporter that's sitting directly in front of
16 you, and she's taking down every word that's stated. She
17 cannot take down two people at the same time, so please wait
18 until the question is fully posed before you begin to answer.

19 If at any time there is an objection, please just
20 stop speaking and let the Court resolve the objection and I
21 will instruct you on how to proceed.

22 That's all I'm going to give you for now. If
23 anything else comes up, I'll let you know.

24 Mr. Dong, go ahead.

25 (DIRECT EXAMINATION BY MR. DONG:)

—WANG - DIRECT - DONG—

- 1 Q. Good morning, Mr. Wang.
- 2 What is your current address?
- 3 A. My address is 140-45 Ash Avenue, Flushing, New York. Zip
- 4 code 11355.
- 5 Q. What do you do for a living?
- 6 A. I work in the restaurant as a chef.
- 7 Q. How long have you been working as a chef?
- 8 A. Since I came to the United States after Nam.
- 9 Q. When did you come to the United States?
- 10 A. December 20, 2012.
- 11 Q. Are you familiar an entity named Chapei LLC?
- 12 A. Yes, I do.
- 13 Q. What is your relationship with Chapei?
- 14 A. I'm an employee.
- 15 Q. When did you work for Chapei?
- 16 A. From March 2012 to the time I left.
- 17 Q. When did you stop working for Chapei?
- 18 A. July of 2015.
- 19 Q. What type of business did Chapei run?
- 20 A. They in the business of Chinese food service, fast food.
- 21 Q. Where were Chapei locations located?
- 22 A. There are in some supermarkets. They use the name as
- 23 ShopRite.
- 24 Q. Where were these supermarkets located, in what state?
- 25 A. In New Jersey.

—WANG - DIRECT - DONG—

1 Q. During your employment with Chapei -- strike that.

2 During your term of employment with Chapei, how many
3 store locations did Chapei have?

4 A. When I was there, they have seven locations.

5 Q. And how many locations did you personally work at?

6 A. I went to those locations, all those locations, employees
7 were transported to different locations from time to time.

8 Q. Let's start at the beginning of your employment.

9 Which Chapei location did you work at?

10 A. It's not fixed. In each month, the boss would transport
11 us to different locations.

12 Q. What is the boss's name?

13 A. Jiali Luo, a lady.

14 THE INTERPRETER: I will spell it. J-I-A-L-I. Last
15 name is L-U-O.

16 Q. What other name, if any, is this person known by?

17 A. We all call her -- oh, the boss.

18 Q. Is this person in the courtroom today?

19 A. Nope, she's not here.

20 Q. How did this person transfer you between stores?

21 A. Vehicle picks us up and sends us back home from work.

22 Q. And what are the addresses of the stores that you worked
23 at?

24 THE INTERPRETER: Can the interpreter have the
25 question again.

—WANG - DIRECT - DONG—

1 Q. What are the addresses of these stores that you worked
2 at?

3 A. Okay. Address? I'm not able to tell the exact address.
4 It's not my mother tongue. I mean, the language. But all of
5 us including the boss name those locations by numbers.

6 For example, we know Number 1 is at certain place.
7 Number 3 is at a certain place, something like that.

8 Q. How long were you being transferred around?

9 A. Since the beginning they be using vehicles to transport
10 us to locations.

11 Q. And did you settle down at any one store, at any point?

12 A. Yes, everyone -- each one of us, after we got familiar
13 with certain locations, we kind of settled down.

14 Q. And which store was that?

15 A. I started -- they started to settle me down in store
16 Number 3. Later on, they also transferred me to Store Number
17 4.

18 Q. And from when to when did you work at Store Number 3?

19 A. From May to June of 2012 until May of 2013.

20 Q. After Store 3, where did you work at?

21 A. We work various -- before I left, the boss let me stay in
22 that location for two more months.

23 Q. Was this the same location -- was this the same Store 3
24 or a different store?

25 A. We, together with Master Yu, we stayed at Store Number 2

—WANG - DIRECT - DONG—

- 1 for two months. After that, we left together.
- 2 Q. And when was this period?
- 3 A. It happened in 2013.
- 4 Q. Which month?
- 5 A. We left in July. So the two months we stayed there was
- 6 May to July.
- 7 Q. Of 2013?
- 8 A. Correct.
- 9 Q. And after this, where did you work at?
- 10 A. After left this, I spend time doing some part-time job.
- 11 It was not very satisfying. After two months, since I was not
- 12 very happy outside, I call the boss and she let me go back.
- 13 Q. When did you go back?
- 14 A. After two months. I would say September.
- 15 Q. Of 2013?
- 16 A. Correct.
- 17 Q. Which store did you work at during this time?
- 18 A. I stayed temporarily at Store Number 3.
- 19 Q. And did you move to another store afterwards?
- 20 A. I was transferred to Store Number 4.
- 21 Q. From when to when did you work at Store Number 4?
- 22 A. I worked after the time when I left in Store Number 4.
- 23 Q. And throughout your employment with Chapei, who directed
- 24 your work?
- 25 A. The boss.

—WANG - DIRECT - DONG—

1 Q. How did she direct your work?

2 A. She would say something like to let us, pay close
3 attention to sedentary situation because they would come to
4 check from time to time. That was the most important. Or
5 something like the next -- the next -- the following day would
6 be holiday and pay special attention to something like that.

7 Q. Throughout your employment with Chapei, how many days did
8 you work per week?

9 A. Six days.

10 Q. How many hours did you work per day?

11 A. 10 hours each day.

12 Q. When did you start working each day?

13 A. At about 8:00 a.m. the boss would pick us up with a
14 vehicle. We arrive at the store and started to work from 9:00
15 to 7:00.

16 Q. Throughout your employment with Chapei, how much break
17 time did you receive during each the workday?

18 A. Normally, there was no time for us to break.

19 Q. Did you have lunch during work time?

20 A. Yes, we would pick up lunch from time to time.

21 Q. How long did it take you to have your lunch each day?

22 A. We did not have allocated time to sit down for lunch. We
23 just put our lunch on the desk or the table, and when we had
24 time, we just eat something.

25 Q. How long does that take?

—WANG - DIRECT - DONG—

1 A. I would say several minutes, three minutes. Very fast,
2 very quick.

3 Q. And if you were having lunch and a customer came in, what
4 did you have to do?

5 A. I would put it down and serve the client.

6 Q. What other breaks, if any, did you have other than the
7 lunch break?

8 A. Nope.

9 Q. Throughout your employment with Chapei, what was your job
10 position?

11 A. My position was just a chef.

12 Q. And what were your duties?

13 A. Prepare the vegetables and the meat, cook the food, serve
14 the clients. Basically, everything.

15 Q. What cooking materials did you have to handle during your
16 employment at Chapei?

17 A. Like a knife, ladle, a wok, pots and pans.

18 Q. What about ingredients?

19 A. Soy sauce, salt, sugar, vinegar. Some other ingredients
20 like seafood, paste, oyster sauce, something like that.

21 Q. What brand was the oyster sauce?

22 A. Most of them they use Lee Kum Kee.

23 Q. Throughout your employment with Chapei, were you aware of
24 the daily gross revenue of each store you worked at?

25 A. I believe most of us knew that because we talked about

—WANG - DIRECT - DONG—

1 this when we returned to our dormitory.

2 Q. Besides discussions with others, how were you aware of
3 the daily revenues?

4 MR. WANG: Objection, your Honor.

5 THE COURT: What's the objection?

6 MR. WANG: I would ask the Court to strike the
7 plaintiffs' testimony as to whatever he heard from other
8 people. I think that's hearsay by definition.

9 THE COURT: Mr. Dong, do you want to respond?

10 MR. DONG: No, your Honor.

11 THE COURT: So --

12 MR. DONG: Actually, your Honor, that shows the state
13 of mind of the plaintiff.

14 THE COURT: Okay. Well, the Court is going to
15 sustain the objection and instruct the witness to only speak
16 about what he heard directly. If you could interpret this for
17 him.

18 He's to only speak about what he knows and what he's
19 seen himself directly. Not what he's heard.

20 THE INTERPRETER: Okay.

21 THE WITNESS: I saw those.

22 Q. Where did you see the numbers?

23 A. From the beginning to the end, the ShopRite would give us
24 a figure for the previous year. I would get those figures and
25 give them to the boss.

—WANG - DIRECT - DONG—

1 Q. Throughout your employment with Chapei, what was the
2 lowest daily revenue you had experienced?

3 A. Let me talk about Store Number 4. I would say the
4 average daily revenue was no less than 500.

5 Q. What is the highest daily revenue you have experienced?

6 A. The business -- the best business was in Store Number 7.
7 The average revenue was no less than 8 to \$900 daily.

8 Q. And throughout your employment with Chapei, what was the
9 lowest weekly revenue you have personally experienced?

10 A. The minimum, I would say, will be no less than \$3,000.

11 Q. Is that true for all the locations?

12 A. Only Store Number 3 might not have that as good business.
13 Only Number 3.

14 Q. What is the lowest weekly gross revenue in Store Number 3
15 that you have experienced?

16 A. Along 2,000.

17 Q. And what's the highest weekly gross revenue you have
18 experienced for all locations?

19 A. Including every store?

20 THE COURT: Mr. Dong, I guess he's unclear about your
21 question. Can you clarify the question.

22 Q. Throughout your employment with Chapei, what was the
23 highest weekly revenue you have experienced, any store?

24 A. You mean the best location?

25 Q. Yes.

—WANG - DIRECT - DONG—

1 A. The best location was Store 7. I will say no less than
2 \$6,000.

3 Q. Mr. Wang, how were you paid?

4 A. Check.

5 Q. Who paid you?

6 A. Boss.

7 Q. What's the boss's name?

8 A. Cha Lee Lo.

9 Q. And how did she pay you?

10 A. She would come to our apartment on the 5th of each month.
11 She would have those checks in her hand and call us and give
12 us the check.

13 MR. DONG: Your Honor, may I approach the witness.

14 THE COURT: I want to make sure you give it to your
15 adversary and to the Court.

16 MR. DONG: Let the record reflect that I have given
17 defense counsel a copy of Plaintiffs' Exhibit 1.

18 Q. Mr. Wang, I'm showing you what has been premarked as
19 Plaintiffs' Exhibit 1. Do you recognize these documents?

20 A. Yes, this is a copy of the check.

21 MR. DONG: Your Honor, at this point plaintiffs would
22 like to move Plaintiffs' Exhibit 1 into evidence.

23 THE COURT: Any objection from defense counsel?

24 MR. WANG: Your Honor, I think many of the checks are
25 probably the same as the checks I have. I ask the Court to

—WANG - DIRECT - DONG—

1 please just bear with me --

2 THE COURT: This was a joint exhibit, correct?

3 MR. DONG: Correct, your Honor.

4 THE COURT: All right. So it's a joint exhibit.

5 It's really already consented to.

6 MR. WANG: Thank you, your Honor.

7 THE COURT: So you can proceed, Counsel.

8 (Plaintiffs' Exhibit 1 in evidence.)

9 BY MR. DONG:

10 Q. Mr. Wang, do you read Chinese?

11 A. Yes.

12 Q. Let me direct your attention to page 5 of the exhibit.

13 Let me direct you to the upper right corner where it says

14 Check Number 1768.

15 Do you see it?

16 A. Yes, sir.

17 Q. And on the picture of the check at the lower left corner,

18 there are two Chinese characters, correct?

19 A. Correct.

20 THE COURT: Just so the Court is clear, what's the

21 date of the check that you're looking at and referring to?

22 MR. DONG: Your Honor, it would be the check dated

23 September 23rd, 2012.

24 THE COURT: Okay.

25 Q. What are those characters?

—WANG - DIRECT - DONG—

1 A. Bonus.

2 Q. What does this bonus mean?

3 A. It's extra pay for reward.

4 Q. Reward for what?

5 A. Money, like cash.

6 Q. What did you have to do to receive this reward?

7 A. Just for working for her.

8 Q. Did you have to do anything extra to receive this?

9 A. They paid us this amount only if we work more than we
10 were supposed to do.

11 MR. DONG: Your Honor, I believe there's a
12 mistranslation.

13 THE COURT: Counsel, I can't rule on the translation,
14 so if you want to redirect the question or re-ask your
15 question, you can.

16 BY MR. DONG:

17 Q. What is the condition you have to meet to receive this
18 reward?

19 MR. WANG: Your Honor, objection. This question has
20 been asked and answered several times.

21 THE COURT: I'm going to allow it. It's overruled.

22 THE WITNESS: Only when the revenue per week
23 surpassed \$4,000 would they give us this bonus.

24 Q. How often did you receive this bonus per month?

25 A. Let me think for the store that I worked in? I would

—WANG - DIRECT - DONG—

1 receive this three times in a month for a good month.

2 Q. And for a bad month?

3 A. Sometimes I did not get those.

4 Q. Throughout your employment with Chapei, what document, if
5 any, did Chapei or your boss requested from you?

6 A. You mean, demanded by the boss?

7 Q. Yes.

8 A. I'm not quite sure I understand the question.

9 Q. What documents have you provided to the boss throughout
10 your employment?

11 A. In the beginning, they would ask us for a document to
12 show our status because it will facilitate them to prepare the
13 check to pay for us.

14 Q. And who specifically requested these documents?

15 A. The boss.

16 Q. Throughout your employment, were you required to punch in
17 and punch out when you arrived at work?

18 A. No, we did not have those.

19 Q. Was there any mechanism to track employees' work time?

20 A. We work an average about 10 hours each day. We went
21 there when it's 9 o'clock started, we started.

22 Q. And throughout your employment, what document, if any,
23 did you receive from your boss?

24 A. Nope.

25 Q. While you were working at Chapei, where did you live?

—WANG - DIRECT - DONG—

1 A. I live in the apartment the boss provided us. The
2 location was -- we share the location with her mom.

3 Q. And what kind of property was this location?

4 A. I will say, it's not an apartment. It was an individual
5 house.

6 Q. How many bedrooms did this house have?

7 A. It was a big house. The mother lived in her section that
8 we did not have access to. Five rooms for us.

9 Q. How many people lived at this house?

10 A. Overall, I would say close to 20.

11 Q. And who are these people?

12 A. They're both amigos and some Chinese.

13 Q. What were the relationship of these people with Chapei?

14 A. Employee/employer relationship.

15 Q. They were all employees of Chapei?

16 A. Correct.

17 Q. How many people lived in your room?

18 A. Four people.

19 Q. How many bathrooms were in the house total?

20 A. One.

21 Q. How did you get back to the house after work?

22 A. They rode us. They drove us in a vehicle.

23 Q. How did you find the job at Chapei?

24 A. A friend of mine recommended me.

25 Q. And on your first day of the job, who did you meet with?

—WANG - DIRECT - DONG—

1 On the first day of the job, who did you meet with?

2 A. That morning, definitely I saw the boss as well as other
3 employees.

4 Q. Did you have a discussion with the boss?

5 A. Nope.

6 Q. When you first started, how much was your pay rate?

7 A. When my friend recommended me, they told me the boss
8 would pay me 1,000 a month.

9 MR. DONG: Your Honor, I believe the -- let me
10 rephrase the question.

11 Q. How much was your pay rate when you first started
12 working?

13 A. I don't know the rate exactly. People told me if I work
14 there a month, they would pay me 1,000. So I went.

15 MR. DONG: Your Honor, there is a mistranslation of
16 the number.

17 THE COURT: Counsel, I'm not sure what you would have
18 the Court do. I mean, this is one of the issues I foresaw
19 with having the interpreter. If there is an issue there, he's
20 a certified translator. He's translated the answer from the
21 witness. That's really all I can do. If you want to rephrase
22 the question, you can rephrase it.

23 BY MR. DONG:

24 Q. Did you say 1,000 per month?

25 A. 1,500 per month.

—WANG - DIRECT - DONG—

1 Q. Who told you, you would be paid that much?

2 A. My friend told me, definitely the boss told him about the
3 figure.

4 Q. Did you get any increase on your wage?

5 A. Yes.

6 Q. How much?

7 A. It was not on schedule. They say after three months,
8 they might raise my pay.

9 Q. By how much?

10 A. 100.

11 Q. Who told you that?

12 A. The boss told me she would raise my pay after three
13 months.

14 THE COURT: Counsel, when you get to a logical
15 stopping point, I want to take a morning break in about 3 or
16 5 minutes.

17 You let me know when it is a logical breaking point.
18 We are going to take a 10-minute break.

19 MR. DONG: I'm almost done with this one, your Honor.
20 Actually, your Honor, I have no further questions.

21 THE COURT: It is roughly 11 o'clock. We are going
22 to take a 10-minute break. We'll resume at 11:10 at which
23 time, Mr. Wang, it will be your witness.

24 Mr. Wang, do you have a question?

25 MR. WANG: Yes, your Honor. I'm not sure if the

—WANG - CROSS - WANG—

1 Court has an easel that I can use.

2 THE COURT: You can speak with my courtroom deputy,
3 and she'll let you know what we have.

4 MR. WANG: Okay. Great. Thank you.

5 THE DEPUTY COURT CLERK: All rise.

6 (Recess at 10:58 a.m.)

7 THE DEPUTY COURT CLERK: All rise.

8 (Open court begins at 11:13 a.m.)

9 THE COURT: Please be seated.

10 Okay. We are here and we're back on the record.

11 Mr. Wang, the witness has been tendered, so it's your
12 witness on cross-examination.

13 MR. WANG: Thank you, your Honor.

14 (CROSS EXAMINATION BY MR. WANG:)

15 Q. Mr. Wang, you testified earlier that you were introduced
16 to Chapei LLC by plaintiff, Mr. Yu, correct?

17 A. Correct.

18 Q. And you were not hired through the employment agency in
19 Flushing?

20 A. Correct.

21 MR. WANG: Your Honor, may I approach the witness?

22 THE COURT: What are you about to show the witness?
23 And do I have a copy?

24 MR. WANG: Your Honor, this is an affidavit of
25 plaintiff Weigang Wang.

—WANG - CROSS - WANG—

1 THE COURT: I don't have a copy of it? Can you pass
2 it up for a quick inspection.

3 MR. WANG: Sure. May I approach?

4 THE COURT: Yes. Okay. It's appropriate.

5 MR. WANG: Thank you, your Honor.

6 Can I approach the witness?

7 THE COURT: Yes.

8 MR. WANG: Thank you.

9 BY MR. WANG:

10 Q. Mr. Wang, I'm showing you Defendants' Exhibit 12?

11 A. I don't know how to read this.

12 Q. Are you able to recognize this document?

13 A. It's in English. I cannot read it.

14 Q. Can you turn to the last page?

15 Is that your signature?

16 A. Correct.

17 Q. Does this ring a bell as to what this document is?

18 A. I don't think I can tell you.

19 Q. May I have it back. Paragraph 27, it states: Weigang
20 Wang was a person who hired me. I was approached for
21 employment through an employment agency in Flushing on Main
22 Street in front of the New World Mall.

23 And the last paragraph of your affidavit, Paragraph 38,
24 this document has been translated to me in my native language
25 of Mandarin, and I fully comprehend the contents.

—WANG - CROSS - WANG—

1 You remember you signed some documents during this
2 litigation, correct?

3 A. I don't think I signed any document.

4 Q. Okay. So is that -- is it your contention that this is
5 not your signature or not?

6 A. It's my signature, but I cannot tell what document this
7 is.

8 Q. Do you understand the documents that you signed for this
9 litigation, would be submitted to the Court?

10 A. Yes.

11 Q. And you also understand that it's important in the
12 documents that you submit to the Court that what you sign, you
13 are required to provide truthful information in it?

14 A. Yes.

15 Q. And the facts contained in the documents that you signed,
16 which you certified as true, must be true, do you agree?

17 A. Correct.

18 Q. And you actually did it, which means that you make sure
19 the facts in the documents you signed were true before you
20 signed it, correct?

21 A. Yes. Correct.

22 Q. Before you signed this document, did you review the
23 contents -- strike that.

24 Was the content of this document explained to you in
25 Mandarin?

—WANG - CROSS - WANG—

1 A. No.

2 Q. But you signed the document knowing you would submit this
3 document to the Court?

4 A. Correct.

5 Q. Is it true that this is an affidavit -- your affidavit?

6 A. Yes.

7 Q. So you would have signed an affidavit without knowing the
8 content -- whether the content in the affidavit was true or
9 not?

10 A. I don't know how to read the English version. If it
11 was -- if it is translated to Chinese, definitely I will be
12 able to read it.

13 Q. You previously worked with plaintiff Mr. Yu before,
14 right?

15 A. Correct.

16 Q. You testified about several ShopRite locations.

17 Did you ever work together with Mr. Yu at the same
18 location?

19 A. Yes, I did.

20 Q. Which location was it?

21 A. Store Number 2, 6, and 5.

22 Q. 2 and 5?

23 A. 2, 6, and last 5.

24 Q. Okay. 2, 5, 6.

25 THE INTERPRETER: But his order was 2, 6, 5.

—WANG - CROSS - WANG—

- 1 Q. Which store is Store Number 2?
- 2 A. Do you want me to tell the specific address?
- 3 Q. Yes. Are you able to?
- 4 A. I'm sorry. It's in English. I don't think I can tell
- 5 you.
- 6 Q. What about Store Number 5, what address is that?
- 7 A. No, I can't.
- 8 Q. What about Store Number 6?
- 9 A. I cannot.
- 10 Q. Store Number 2, which town?
- 11 A. No, I cannot. If you show me the picture of the store, I
- 12 would be able to easily recognize it.
- 13 Q. Store Number 5, in which town?
- 14 A. No, I cannot tell.
- 15 Q. Store Number 6, in which town?
- 16 A. Nope, I'm not able to.
- 17 Q. Store Number 2, this store, from what day to what day,
- 18 did you work with Mr. Yu?
- 19 A. Last time when we worked together until we left the store
- 20 was from May to July of 2013.
- 21 Q. Okay. Store Number 5, from what date to what date, did
- 22 you work with Mr. Yu?
- 23 A. When I first begin, I started with Number 5. Every
- 24 employee would go through some training period which happened
- 25 there.

—WANG - CROSS - WANG—

1 Another individual whose name is Chao last name Liu. The
2 individual was from the same hometown of Chao Liu. Another
3 individual last name was Gao, G-A-O. He also worked with
4 Mr. Yu in Number 5. Gao has been working all this period for
5 the boss in Chapei.

6 Q. Thank you, Mr. Wang, but you're not being responsive to
7 my question.

8 As to Store Number 5, from what date to what date, did
9 you work with Mr. Yu?

10 A. They transported us from different store within one week.
11 Sometimes we work in the store this day and tomorrow we might
12 work in the other store.

13 Q. So you don't remember?

14 A. Correct.

15 Q. As to Store Number 6, from what date to what date, did
16 you work with Mr. Yu? Do you remember?

17 A. Yes, I do. Starting April to May of 2012, I started to
18 learn the cooking from him. He was my master.

19 Q. Okay. So you worked with Mr. Yu during the two months in
20 2012 from May -- from April to May, correct?

21 A. Correct. I learned the skills in Store Number 6.

22 Q. In the same affidavit, Defendants' Exhibit 12, that I
23 just showed you several minutes ago, in Paragraph 7, you
24 listed specific addresses of at least four stores.

25 Do you know the specific addresses of the four stores you

—WANG - CROSS - WANG—

1 listed in your affidavit?

2 A. I don't remember things. It happened so many years ago.

3 Q. And you did not provide -- strike that.

4 Mr. Wang, do you have your own records regarding the
5 employment periods during which you worked for Chapei LLC?

6 A. I'm sorry. I don't think I understand the question.

7 Q. Do you have your own notes or anything in writing that
8 you created regarding the employment period that you worked at
9 Chapei LLC?

10 A. I don't have anything that I wrote down.

11 Q. Do you have any records that you created regarding your
12 pay raise while you worked at Chapei LLC?

13 A. I don't need those. The checks given by the boss will be
14 the evidence of that.

15 Q. But you don't have your own records regarding hours you
16 worked, correct?

17 A. Correct.

18 Q. And so you will testify today about your employment
19 records, your hours, and your pay based on your recollection,
20 correct?

21 A. It's not just the recollection. If I did not work the
22 amount of hours scheduled, would the boss paid me those?

23 Q. Other than your recollection, what else do you have to
24 base it on, to testify about the hours you worked and the pay
25 you received?

—WANG - CROSS - WANG—

1 A. It's not just my recollection. It's something I
2 experienced.

3 Q. So you will testify about experience based on your
4 recollection, correct?

5 A. I will say, yes.

6 Q. Based on your recollection, you worked sometime in
7 March -- March 2012 to July 2015, correct?

8 A. Correct.

9 Q. And based on your recollection, you filed a complaint
10 against Chapei LLC. Based on your recollection regarding the
11 hours worked and your pay, you filed a complaint against
12 Chapei LLC in 2015, correct?

13 A. Correct.

14 MR. WANG: Your Honor, may I approach the witness.

15 THE COURT: Yes.

16 MR. WANG: This is Defendants' Exhibit 1. Your Honor
17 has a copy.

18 Q. Mr. Wang, I'm showing you what has been marked as
19 Defendants' Exhibit 1. Can you take a look at this document.

20 Let me direct your attention to the last page. Is that
21 your signature?

22 A. This one?

23 Q. I'm sorry. The second to last page.

24 Is that your signature?

25 A. Yes, it's my signature.

—WANG - CROSS - WANG—

1 Q. Do you know what that document is?

2 A. It is our complaint.

3 Q. You understand the complaint is a very important court
4 document where you assert your claims against a defendant,
5 correct?

6 A. Correct.

7 Q. And you understand the complaint is a document where you
8 include important facts of the case?

9 A. Yes.

10 Q. Before you signed that document, you reviewed the
11 complaint, correct?

12 A. I was not able to read in the English version.

13 Q. But when you signed it, you understood you were signing a
14 copy -- I'm sorry. You were signing a page of the complaint,
15 correct?

16 A. Do you mean the first page? Yes, it's my signature.

17 Q. The facts stated in this complaint are all true?

18 A. Correct.

19 Q. Let me be a little more specific. The facts you stated
20 in the complaint regarding your employment period --

21 THE COURT: What paragraph are you reading from?

22 MR. WANG: Your Honor, it's paragraph 21.

23 THE COURT: Okay.

24 Q. The facts stated in the complaint regarding your
25 employment period are all true, correct?

—WANG - CROSS - WANG—

1 A. Correct.

2 MR. WANG: Your Honor, paragraph 26.

3 Q. The facts stated in the complaint regarding the hours you
4 worked, namely, how many hours per day are all true, correct?

5 A. Correct.

6 MR. WANG: Your Honor, paragraph 27.

7 Q. The facts stated in the complaint regarding the total
8 number of hours per week, on average, also are true, correct?

9 A. Correct.

10 Q. And you provided these facts in the complaint based on
11 your recollection at the time, correct?

12 A. If you want me to answer these questions, the answer will
13 be the same.

14 Q. Please respond to my question directly.

15 The facts stated in the complaint were based on your
16 recollection at the time, correct?

17 A. Correct.

18 Q. The facts in the complaint --

19 MR. WANG: Your Honor, paragraph 29.

20 Q. The facts in the complaint regarding your salary history
21 are also all true, correct?

22 A. Correct.

23 Q. And you provided these facts to be put in the complaint
24 based on your recollection at that time, correct?

25 A. Yes.

—WANG - CROSS - WANG—

1 Q. When you started at Chapei LLC, you were not a cook,
2 right?

3 A. You're right. I was not a chef at the beginning.

4 Q. At the beginning you were a helper?

5 A. Correct, helper.

6 Q. How long did you work as a helper?

7 A. Half a year. Close to half a year.

8 Q. Did you always work as a cook afterwards?

9 A. After half a year, I had been working as a chef.

10 MR. WANG: Your Honor, may I approach the witness.

11 THE COURT: Sure. Which exhibit? Is this a new
12 exhibit?

13 MR. WANG: Yes.

14 THE COURT: You want to pass it up.

15 MR. WANG: That's another affidavit. I'm not sure if
16 this was included in the binders submitted to the Court.
17 Perhaps, I did.

18 THE COURT: Any opposition from plaintiff counsel?

19 MR. DONG: Is this for impeachment purposes only?

20 MR. WANG: Yes.

21 MR. DONG: No objection.

22 THE COURT: You can proceed, Counsel.

23 MR. WANG: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 (Defendants' Exhibit 10 in evidence.)

—WANG - CROSS - WANG—

1 BY MR. WANG:

2 Q. Mr. Wang, I'm showing you what has been marked as
3 Defendants' Exhibit 10. Please take a look.

4 Can you turn to the last page. Is that your signature?

5 A. Correct.

6 Q. Do you recognize this document?

7 A. I cannot read it.

8 Q. Was this document explained to you, the content of it,
9 explained to you before you signed it?

10 A. Yes, I would say so.

11 Q. In Chinese?

12 A. Correct.

13 Q. Mandarin Chinese is your native language, correct?

14 A. Correct.

15 Q. When you signed this document, you understood the
16 contents of it, correct?

17 A. Correct.

18 Q. So the facts stated in this document are all true,
19 correct?

20 A. Correct.

21 Q. When you signed this document, did you know the specific
22 addresses of the stores -- any stores that you worked at?

23 Did you know the specific addresses of the ShopRite
24 stores that you worked at when you signed this document?

25 A. Even at that time I still would not know the exact

—WANG - CROSS - WANG—

1 address of those stores. But at the time, I still had some
2 friend who worked in those stores, so I asked them, send me
3 the written forms of those addresses of the stores.

4 MR. WANG: Your Honor, I move to strike his testimony
5 regarding the information from his friend because that's
6 hearsay.

7 THE COURT: There's a motion to strike based on
8 hearsay. You want to respond to that, Mr. Dong, at all?

9 MR. DONG: Your Honor, that's not hearsay. He's not
10 testifying to the truth of the matter asserted.

11 THE COURT: You know, I think Mr. Dong is right.
12 There's been no testimony as to what the friend said. He just
13 said that he asked his friend to send him the addresses of the
14 stores, so there's nothing thus far that's been elicited as
15 hearsay.

16 BY MR. WANG:

17 Q. You received some addresses from your friend?

18 A. Correct.

19 Q. Were you able to read the addresses in English?

20 A. Yes, I could.

21 Q. What is your level of English ability?

22 A. Nope, I don't think I could.

23 Q. What is the highest level of education that you have?

24 A. I finished junior high school.

25 Q. In China?

—WANG - CROSS - WANG—

1 A. Correct.

2 Q. When did you come to the United States?

3 A. December 20th of 2011. I have something else to tell. I
4 must correct.

5 When my attorney asked me the question of when I arrive
6 to this country, I gave a wrong answer. I want to correct it
7 now.

8 Q. What do you mean a wrong answer?

9 A. The date I gave you was the correct date.

10 Q. Are you able to speak English?

11 A. Only "I thank you" and "how are you," that's it.

12 Q. Other than "thank you" and "how are you," you don't know
13 how to speak English, correct?

14 A. I want to say very basic I might be able to handle.

15 Q. Are you able to read documents in English?

16 A. Nope.

17 Q. In this document that I just showed to you, paragraph 3,
18 you stated that from on or about March 2012 to July 2013, I
19 was employed by Chapei LLC.

20 And this document does not state you ever worked during
21 any other time period for Chapei LLC?

22 A. No, it's not correct. I return after two months' leave.

23 Q. That's what it says. The last paragraph of this
24 document, it says that -- paragraph 9. The document had been
25 translated to me in my native language of Chinese, and I fully

—WANG - CROSS - WANG—

1 comprehend the contents.

2 You testified that at sometime after you worked at Chapei
3 LLC, you left their employment and then you returned to work,
4 is that what it is?

5 A. Correct.

6 Q. So for how long did you stop working for Chapei LLC?

7 A. Two months.

8 Q. From what date to what date?

9 A. I definitely returned in September.

10 Q. Which year?

11 A. September 2013, I returned.

12 Q. So when did you leave Chapei LLC?

13 A. July 2013.

14 Q. So from July 2013 to September 2013, you were not working
15 at Chapei LLC, correct?

16 A. Correct, two months.

17 Q. You understand for that time period that you did not work
18 for Chapei LLC, you are not entitled to any pay, correct?

19 A. Correct.

20 Q. The complaint that I showed you, however, it does not
21 mention any time period that you didn't work for Chapei LLC,
22 correct?

23 A. I don't remember.

24 Q. Other than the two-month period you just testified about,
25 were there other time periods during which you didn't work for

—WANG - CROSS - WANG—

1 Chapei LLC -- for the employment period that you testified to
2 today?

3 A. No.

4 Q. Mr. Wang, you testified about seven different ShopRite
5 locations which you allege were operated by Chapei LLC,
6 correct?

7 A. Correct.

8 Q. Do you have any documents or other proof showing any
9 location that -- any ShopRite location that you worked at?

10 A. I don't have any document at hand. I left so many years
11 ago, and I also changed my cell phones. The addresses were
12 lost. If you show me the picture, I can recognize them.

13 Q. Regarding the seven stores, Store Number 1, do you
14 remember the time periods during which you worked at Store
15 Number 1?

16 A. You mean the dates that I worked there?

17 Q. Yes, the dates when you worked at each location.

18 A. Store Number 1 was at a remote area. Her mother-in-law
19 or father-in-law drove us there. The working hours there was
20 a little short because the location was far away.

21 Q. Store Number 1, you don't know the address, correct?

22 A. Correct.

23 Q. Store Number 2, do you know the address?

24 A. I cannot tell you in English.

25 Q. And you also don't know the addresses for the

—WANG - CROSS - WANG—

1 remaining -- Number 4, Number 5, Number 6, Number 7, correct?

2 A. Correct, because it's not my mother town.

3 Q. Store Number 1, during what time period, did you work at
4 Store Number 1?

5 A. As a new employee, we were transported to different
6 locations from time to time. I also worked that location.

7 Q. Mr. Wang, you are testifying based on recollection. I
8 need to know, based on your recollection, from what day to
9 what day, did you work at Store Number 1? Do you remember?

10 A. I don't remember. It happened many years ago.

11 Q. As to Store Number 2, Number 3, Number 4, Number 5,
12 Number 6, Number 7, you don't remember specific time periods
13 that you worked there either, correct?

14 A. I can't.

15 Q. Let's start with Store Number 2. From what time period,
16 did you work there?

17 A. The last two months before I left, I had been staying in
18 Store Number 2.

19 Q. From what date to what date?

20 A. From May to July of 2013.

21 Q. Store Number 3, from what date to what date, did you work
22 there?

23 THE INTERPRETER: Your Honor, I need to reference
24 some detail.

25 THE WITNESS: I'm talking about Store Number 3.

—WANG - CROSS - WANG—

1 Q. Correct. Based on your recollection, from what day to
2 what day, did you work there?

3 A. Something is wrong on the board.

4 Q. If something is wrong, please correct me.

5 What is it that --

6 A. I told you I worked for two months, but you wrote nothing
7 on Store Number 3.

8 Q. Let's go back to Store Number 2. I don't mind correcting
9 anything I need to correct.

10 Store Number 2, for what time period did you work at
11 Store Number 2?

12 A. May to July of 2013.

13 Q. So what I did was correct.

14 Store Number 3, from what time period, did you work
15 there?

16 A. June 2012 to May of 2013.

17 THE INTERPRETER: Counsel, 2013?

18 MR. WANG: 2013, I'm sorry.

19 Q. And this is based on recollection, correct?

20 A. Yes.

21 Q. Based on your recollection, Store Number 4, from what
22 date to what date, did you work there?

23 A. From the end of September to early October of 2013 until
24 I left.

25 Q. From late September or early October. Until when?

—WANG - CROSS - WANG—

1 A. 2013, until I left.

2 Q. Until you left Chapei LLC?

3 A. I will say to the March of 2015.

4 Q. Store Number 5, based on your recollection, from what day
5 to what day, did you work there?

6 A. That one I will be there as sub. Sometimes someone would
7 be absent from work, I would go there to work as substitute.

8 Q. Do you remember the dates in which you worked at Store
9 Number 5?

10 A. I don't.

11 Q. And you don't remember the specific dates during which
12 you worked at Store Number 6, correct, based on your
13 recollection?

14 A. No, I don't think I can tell the dates.

15 Q. Same thing for Store Number 7, you also don't remember
16 the time period during which you worked at this store, based
17 on your recollection, correct?

18 A. Correct.

19 Q. You testified that you always worked six days a week, is
20 that what it is?

21 A. Correct.

22 Q. Which day would you take off in a week?

23 A. Normally, I took off on Thursdays, but it's not fixed.

24 Q. And based on your testimony during direct examination,
25 you worked 10 hours a day, correct?

—WANG - CROSS - WANG—

1 A. Correct.

2 Q. And throughout your employment, you would work from
3 9 o'clock in the morning until 7 o'clock in the evening,
4 correct?

5 A. Correct.

6 Q. Based on your recollection, this is true throughout your
7 employment at Chapei LLC, correct?

8 A. The hours that I worked on those locations is correct,
9 but I cannot tell how long those stores were open for
10 business. But I would say they were all 10 hours, each day.

11 Q. Mr. Wang, I'm showing you again, Defendants' Exhibit 12,
12 which is your affidavit dated March 13, 2017.

13 And again, the last paragraph of your affidavit states
14 that this document has been translated to me via my native
15 language of Mandarin, and I fully comprehend the contents.

16 The facts you stated in this document are all true,
17 correct?

18 A. They're true.

19 Q. Paragraph 22 states that "throughout my employment with
20 Wok Empire at ShopRite, I worked from 9/2/19 for 10 hours a
21 week, for six days, with one day off, not fixed, for 60 hours
22 per week."

23 A. Correct.

24 Q. You testified that you lived in a dorm, correct?

25 A. Correct.

—WANG - CROSS - WANG—

1 Q. And the dorm was provided by employer Chapei LLC,
2 correct?

3 A. Correct.

4 Q. When would -- strike that.

5 Your employer would transport the workers to the stores
6 with a 15-seat van, correct?

7 A. Probably not that big.

8 Q. It's a van, correct?

9 A. Correct.

10 Q. Do you know the address of the dorm?

11 A. I can vaguely remember the street number, 400.

12 Q. Let me show you the checks used by your lawyer.

13 On the top of the check, does it state the address?

14 A. It's not very clear.

15 Q. 400 Foothill Road, Bridgewater, New Jersey. Is that the
16 address of the dorm?

17 A. Correct. It sounds good, correct. It sounds correct.

18 I'm pretty sure of the street Number 400.

19 Q. When would the van leave in the morning?

20 A. 8 o'clock, we would board the van.

21 Q. The van would leave from the dorm, correct?

22 A. Correct.

23 Q. From the dorm to one of these two stores, how long would
24 it take for the van to get you to the first stop? To get to
25 the first store after you left the dorm?

—WANG - CROSS - WANG—

1 A. They had two vehicles for that purpose. It took one hour
2 to the store where I settle to work.

3 Q. Which store are you talking about?

4 A. Four.

5 Q. Number 4, okay. Is that the first stop of the van?

6 A. No.

7 Q. Which store is the first stop for the van?

8 A. Probably Number 2.

9 Q. How long would it take from the dorm to Store Number 2?

10 A. I'm not able to tell the exact time, but, yes, Store
11 Number 2 was the first one it would stop.

12 Q. So you don't remember?

13 A. I would say less than one hour. Probably half an hour,
14 it would arrive there.

15 Q. So Store Number 2 was the first stop.

16 When was the next stop for the van?

17 A. Number 4, where I worked.

18 Q. When the van got to each store, the workers who work at
19 that store would come off the van, correct?

20 A. Yes.

21 Q. And the van with the other workers would go to the next
22 stop, correct?

23 A. Correct.

24 Q. So after Store Number 4, based on your recollection, that
25 was the second stop, which stop is the next one?

—WANG - CROSS - WANG—

1 A. Number 3. Then, Number 5.

2 Q. We will get to Number 5. Let's talk about Number 3,
3 first.

4 How long would it take for the van to get to Store
5 Number 3 from Store Number 4?

6 THE INTERPRETER: Interpreter needs clarification.

7 Q. How long would it take for the van to get you to Store
8 Number 3 from Store Number 4?

9 A. Less than half an hour.

10 Q. Then the workers who work at Store Number 3 would get off
11 and the van would keep going, correct?

12 A. Correct.

13 Q. And the next stop, based on your recollection, is Store
14 Number 5, correct?

15 A. Correct.

16 Q. How long would it take for the van to get to Store
17 Number 5 from Store Number 3?

18 A. I will not be able to tell the exact time. But by the
19 time I working Number 5 -- by the time I arrive at Number 5
20 where I also worked, it would be close to 10:00 a.m.

21 Q. So what is the next stop after Store Number 5?

22 A. The employees in the van would all get off from that
23 store.

24 Q. So Store Number 5 was the last store for this van that
25 you're talking about, correct?

—WANG - CROSS - WANG—

1 A. Correct.

2 Q. You testified about another van. There were two vans,
3 correct?

4 A. Correct.

5 Q. When would that van leave from your store -- from your
6 dorm located at 400 Foothill Road, Bridgewater?

7 A. We started from the same location at the same time.

8 Q. Same time?

9 A. Correct. Basically, just further for the second stop.
10 Basically, just like that.

11 Q. Okay. So which stores would this van, the second van,
12 send the workers to?

13 A. The second van only drove workers to two stores.
14 Number 6 was the first stop, the next one was Number 1.

15 Q. How long would it take for the van to get you to Store
16 Number 6 from the dorm?

17 A. Number 6 was the most closest one. At most, it took only
18 10 minutes.

19 Q. Again, we don't know which town that store is, correct?

20 A. You mean the name?

21 Q. The name of the town where the store is located?

22 A. No, I cannot.

23 Q. Are you aware of any ShopRite stores within 10 minutes of
24 drive distance from 400 Foothill Road, Bridgewater?

25 A. I must state that ever since I filed the complaint, they

—WANG - CROSS - WANG—

1 change the store of Number 3 and Number 4 and named it a new
2 store.

3 Q. Mr. Wang, that's not responsive to my question.

4 My question is, are you aware of any ShopRite stores
5 within 10 minutes drive from your dorm, the address of your
6 dorm?

7 A. I don't know. I only know that Number 6 where I worked
8 took that time to get there.

9 Q. And that is your recollection today, correct?

10 A. Correct.

11 Q. The second stop -- which store is the second store for
12 the second one?

13 A. The next would be Store Number 1.

14 Q. How long would it take for the van to get to Store
15 Number 1 from Store Number 6, based on your recollection?

16 A. I would say more than one hour.

17 Q. Your testimony is that you have worked at all of these
18 seven stores, correct?

19 A. Yes.

20 Q. Which date did you testify that you took off in a week?

21 A. Thursdays.

22 Q. Other than Thursdays and other than the time period that
23 you didn't work for Chapei LLC, were there other days that you
24 took off?

25 A. It was scheduled by the boss. She might change it based

—WANG - CROSS - WANG—

1 on some factor.

2 Q. So there were days when you took off. And on those days
3 you didn't work for Chapei LLC, correct?

4 A. Correct. One day in the week.

5 Q. Other than that one day in the week, were there other
6 days that you took off during your entire employment at Chapei
7 LLC?

8 A. Holidays. I would say Thanksgiving Day.

9 Q. Did you get paid for the Thanksgiving Day?

10 A. We did, yes.

11 Q. Other than the days we talked about, were there any other
12 days that you took off?

13 A. Let me think. When the weather was especially bad, we
14 would finish work early.

15 Q. Based on your recollection today, do you remember on what
16 days that you would get off from work early?

17 A. I cannot tell you the exact date. I do remember there
18 was one day when there was a snowstorm when the van was
19 stranded on the road back home.

20 Q. Were there other days that you took off?

21 A. The boss said after work there over one year, she would
22 give us one day off in a year.

23 Q. On a paid basis?

24 A. Correct.

25 Q. Were there other days that you took off?

—WANG - CROSS - WANG—

1 A. I don't think I can remember anything more.

2 Q. You testified that Chapei LLC operated at least seven
3 stores. You know that many ShopRite stores have a Chinese
4 food section, correct?

5 A. Yeah, it's a chain store, I know that.

6 Q. But you don't know the Chinese food section at which
7 store is operated by which entity, correct?

8 A. Can I have the question again.

9 Q. My question is, you don't know the Chinese section at
10 which ShopRite store is operated by which entity, correct?

11 A. All those stores were run by Chapei.

12 Q. How do you know all these seven stores were operated by
13 Chapei?

14 A. Because employees working in those seven stores were all
15 paid by our boss. Aren't they her employees?

16 Q. When you worked for Chapei LLC, was there any sign
17 regarding the business hours of Chapei LLC? Any sign at the
18 store?

19 A. I saw something like that.

20 Q. What is it that you saw?

21 A. I will not be able to tell the content, but the sign
22 would say the business hours of ShopRite. I know that's the
23 location where I worked. I told you, I do not read English.

24 Q. You claim that ShopRite does business as Wok Empire,
25 correct?

—WANG - CROSS - WANG—

1 MR. DONG: Objection, your Honor.

2 THE COURT: What's the objection?

3 MR. DONG: Outside the scope of direct. Also, it was
4 stipulated by the parties that Chapei LLC also does business
5 as Wok Empire.

6 THE COURT: You want to respond to that, Counsel?

7 MR. WANG: I think I'm fine with the stipulation that
8 Chapei LLC conducted business as Wok Empire. I have no
9 problem with it.

10 THE COURT: Okay.

11 BY MR. WANG:

12 Q. During your employment at Chapei LLC, did you see any
13 sign at the store regarding Chapei LLC's or Wok Empire's work
14 schedule?

15 A. I did not see those.

16 Q. Is it your testimony that there wasn't such a sign at the
17 store regarding the hours?

18 A. The locations where I worked, I did not see those.

19 Q. When were you first hired by Chapei LLC, you testified
20 that initially your salary was 1,500 per month, correct?

21 A. Correct.

22 Q. And that was in March 2012 based on your testimony,
23 correct?

24 A. Correct. It was that when I just began.

25 Q. Based on your recollection, when did you get a raise?

—WANG - CROSS - WANG—

1 A. Every employee will get a raise, \$100, after working
2 there for three months.

3 Q. So that means you got your first raise in June 2012,
4 correct, based on your recollection?

5 A. Sometime from May to June, yes.

6 Q. Based on your recollection, when did you get your next
7 raise?

8 A. I don't recall exactly.

9 Q. Do you have a recollection as to the amount after you got
10 your next raise?

11 A. No, it's hard for me. It happened so long ago.

12 Q. So you don't remember, right, today, as to -- strike
13 that.

14 So you don't remember. Okay.

15 Do you remember if you got another raise afterwards?

16 A. Yes, they raised the pay.

17 Q. Okay. Do you remember what that amount was?

18 A. They raised my payment to 1,900.

19 Q. Okay. Based on your recollection, do you remember when
20 was that?

21 A. It was the next half of 2012, when I started to work in
22 Store Number 3, that they raised the salary.

23 Q. Do you remember which month?

24 A. No, I don't.

25 Q. But you said it's the second half of -- which year?

—WANG - CROSS - WANG—

1 A. 2012.

2 Q. After your salary reached 1,900 per month, did you get
3 another raise afterwards?

4 A. Yes.

5 Q. What was the next amount, based on your recollection?

6 A. Next was 2,100. The one after that was 2,200.

7 Q. Based on your recollection, when did your salary reach
8 2,100 per month?

9 A. It happened in the later half of 2013. After I returned
10 to work. I would say after September.

11 Q. September 2013?

12 A. Still, I cannot tell the exact month. I would say the
13 later half of 2013.

14 Q. When your salary reached 2,200 per month, based on your
15 recollection, can you tell me when that happened?

16 A. It's sometime in 2014, but I cannot tell the month.

17 Q. Did you get another raise afterwards?

18 A. No. No, I did not get a raise until up to the time when
19 I left.

20 THE COURT: Mr. Wang, we're approaching the 1 o'clock
21 hour. When you get to a good stopping point, let's break for
22 lunch.

23 MR. WANG: I think we can break now.

24 THE COURT: It is about 10 to 1:00. We're going to
25 resume about 1:20. We'll take a half an hour for lunch.

—WANG - CROSS - WANG—

1 THE DEPUTY COURT CLERK: All rise.

2 (Luncheon recess at 12:48 p.m.)

3 THE DEPUTY COURT CLERK: All rise.

4 (Open court begins at 1:32 p.m.)

5 THE COURT: Please be seated.

6 Mr. Wang, it's your witness.

7 MR. WANG: Thank you, your Honor.

8 BY MR. WANG:

9 Q. Mr. Wang, you testified about your salary history this
10 morning.

11 A. Yes.

12 Q. Whatever amount that Chapei LLC told you you would get,
13 when you would get paid, you would actually receive that
14 amount, correct?

15 A. Correct.

16 Q. You also stated your salary history in the complaint,
17 correct?

18 A. Correct.

19 Q. You also stated your salary history in your affidavit,
20 correct?

21 A. Correct.

22 Q. If the facts about your salary -- to the extent there is
23 any conflict between your affidavit and your testimony here
24 today, which version of the facts do you want the Court to
25 adopt?

—WANG - CROSS - WANG—

1 A. The case has been dragged on for so long, I don't think I
2 can remember very exactly some details.

3 Q. But you testified today based on your memory, correct?

4 A. Correct. Correct.

5 Q. The hours you worked at Chapei LLC, was it always
6 10 hours a day during your employment?

7 A. Yes, the work that I did was 10 hours a day.

8 Q. Would your hours fluctuate from time to time?

9 A. I would say for the location that were far away from
10 where I live, the time -- we would need more time.

11 Q. I'm sorry. I don't understand.

12 A. I mean, for the locations that were far away, the working
13 hour might be less than 10 hours.

14 Q. Far away means far away from your dorm, correct?

15 A. Correct.

16 Q. Although the hours you worked -- actually worked would
17 have fluctuated from time to time, you would always receive a
18 fixed amount of salary to cover all the hours you worked,
19 correct?

20 A. Yes, the store that I settled at was open for 10 hours.

21 Q. In fact, while you were hired, Chapei LLC told you you
22 would have received a fixed salary for the hours you worked,
23 correct?

24 A. I don't think I can answer definitely about that. They
25 did not told me that.

—WANG - CROSS - WANG—

1 Q. You testified this morning when you were hired, you were
2 told you would have received a fixed amount of salary,
3 correct?

4 A. It was not fixed month by month.

5 Q. Okay. Could you explain.

6 A. They raise my pay after three months. And after I became
7 a chef, they raised the pay again.

8 Q. But whatever your salary was for any time period, is that
9 a salary you would get -- is that the same amount of salary no
10 matter how many hours you worked, correct?

11 A. Correct.

12 Q. And that's how -- that's what Chapei LLC told you when
13 you were hired, correct?

14 A. Correct.

15 Q. And you were paid once a month, correct?

16 A. Correct. Fifth of each month.

17 Q. And you received all checks and no cash, correct?

18 A. All checks. I did not experience giving me the cash.

19 Q. Chapei LLC offered three meals a day to you?

20 A. No.

21 Q. How many meals?

22 A. The answer is, we eat just whatever or on our desk. We
23 cook them for ourselves. Yes, I agree. Three meals.

24 Q. Can you clarify. Three meals offered by Chapei LLC or
25 three meals prepared by yourself?

—WANG - CROSS - WANG—

1 A. We ate whatever on the desk. After work, we might cook
2 something and brought them back to our dorm.

3 Q. Whatever on the desk refers to the food prepared by
4 Chapei LLC, correct?

5 A. Yes.

6 Q. And Chapei LLC told you ahead of time, they would provide
7 three meals to you for free, correct?

8 A. I would say, yes. They basically told us they cover --
9 the work -- the job covers food and dorm.

10 Q. Regarding the food, you would eat all those three meals
11 at the store, correct?

12 A. Not correct.

13 Q. Would you eat your breakfast at the store?

14 A. No, many of us did not eat breakfast.

15 Q. I -- for the purpose of this trial, I only need you to
16 provide information about you.

17 Would you eat your breakfast at the store?

18 A. I did not have a scheduled time for me to sit down for
19 breakfast. The real time that I decided to eat my next meal
20 would be lunch hour.

21 Q. When would you eat your breakfast?

22 A. When we at our work station, we started to be very busy,
23 I would not have time to stop for breakfast. When I feel
24 hungry, I just might just grab a spring roll or pour me some
25 soup and ate them, yes.

—WANG - CROSS - WANG—

1 Q. When would you eat your lunch?

2 A. We did not have a fixed time.

3 Q. What about dinner?

4 A. Again, we did not have a scheduled time for dinner, but
5 we typically cook some dinner before we finish the job. We
6 finish the job and we brought those back to our dorm and ate.

7 Q. You cook the dinner in the store?

8 A. Correct.

9 Q. How long would it take for you to cook your dinner?

10 A. Sometimes five to six minutes, sometimes two to three.

11 Q. What would you normally eat as your dinner?

12 A. Just cook a dish and with the same rice customers use.

13 Q. And your testimony is that you're able to get your dinner
14 ready, including a dish you cooked, within a few minutes,
15 correct?

16 A. Correct.

17 Q. And the dish would require you to wash the meat or
18 vegetable, cut them, and still fry them, correct?

19 A. Yes.

20 Q. You testified that you live in a dorm provided by Chapei
21 LLC?

22 A. Yes, provided by the boss.

23 Q. Okay. Your boss would have paid all costs in connection
24 with the dorm, correct?

25 A. Actually, I don't know who paid for those costs.

—WANG - CROSS - WANG—

1 Q. But you are not required to pay any utility or anything
2 else in connection with this dorm, correct?

3 A. They asked us to pay WiFi ourselves.

4 Q. How much?

5 A. It's not fixed. Based on the number of employees, from
6 \$4or \$5 to \$6 or \$7 a month.

7 Q. Other than the WiFi, you're not required to pay anything
8 else?

9 A. Nope.

10 Q. You testified this morning that you would have received a
11 bonus if the store generated more than \$4,000 per week,
12 correct?

13 A. Correct.

14 Q. For about four months per year, when a business was good,
15 you would have received a bonus every week, correct?

16 A. From September of 2014 to March of 2015, I was in Store
17 Number 4 where I received from five to six times a bonus.

18 Q. Five to six times during what time period?

19 A. I mean, the month when I stay in Number 4.

20 Q. Store Number 4, so you started in late September, early
21 October, correct?

22 A. Correct. In September of 2013, I went back. I resumed
23 my work.

24 Q. My question is, you started working at Store Number 4 in
25 late September or early October, that's which year?

—WANG - CROSS - WANG—

1 A. After I resumed the work with the company, I stayed there
2 until -- I stayed in Store Number 4 until I left the job.

3 Q. You started to work at Store Number 4 in late September
4 or early October in 2013, correct? Which year?

5 A. I worked a short period in Store Number 3 after I resumed
6 my job and after short period, I was transferred to Store
7 Number 4.

8 Q. Mr. Wang, you just have to tell me which year you
9 started -- you started work at Store Number 4?

10 A. 2013.

11 Q. Okay. So during your employment when you worked at Store
12 Number 4, you received five or six times a bonus, correct?

13 A. I would say more than that. Especially by the time of
14 Thanksgiving Day when the business was good.

15 Q. Based on your recollection today, how many times did you
16 receive bonuses when you worked at Store Number 4?

17 A. I don't remember the exact number.

18 Q. And you also don't remember the types of bonuses that you
19 received when you worked at other stores, correct?

20 A. I received several times a bonus in Store Number 6 when I
21 work together with this master, with this gentleman.

22 Q. You testified earlier today, the lowest -- strike that.
23 You testified about the lowest daily revenue and the
24 highest daily revenue when you worked at various stores.

25 Do you have proof regarding the numbers you testified

—WANG - CROSS - WANG—

1 about this morning regarding the daily revenue?

2 A. Yes, I do. Because every day before we work, I would get
3 a slip from ShopRite with some prints and I was supposed to
4 give those to the boss.

5 Q. Do you have those slips?

6 A. We give them all to the boss.

7 Q. So you don't have those slips?

8 A. No, I don't.

9 Q. You would have picked up these slips as a cook, correct?

10 A. Correct.

11 Q. At each location, generally, there would be two workers
12 that worked at that location, correct?

13 A. Two employees. One a chef.

14 Q. One cook. The other is a helper, correct?

15 A. Correct.

16 Q. The cook was responsible for picking up those slips,
17 correct?

18 A. Not definitely.

19 Q. Can you explain?

20 A. Sometimes when the chef was busy, the other guy would go
21 and pick up those slips.

22 Q. But generally, it was the cook's job to pick up the slips
23 not the helper's job to pick up the slips, correct?

24 A. Correct.

25 Q. So at least for some time during your employment, you

—WANG - CROSS - WANG—

1 worked as a helper, correct?

2 A. Correct.

3 Q. You testified about \$500 daily revenue, \$800 to \$900
4 daily revenue and \$3,000 weekly revenue and a \$2,000 weekly
5 revenue this morning.

6 How do you calculate these numbers?

7 A. I wouldn't be able to know the daily revenue, weekly, or
8 even monthly because ShopRite listed the number on the
9 printout.

10 Q. Did you do your own calculations?

11 A. I don't need to calculate. Anyway, my calculations would
12 not be useful. ShopRite did those.

13 MR. WANG: Your Honor, I have no further questions at
14 this time.

15 THE COURT: Anything on redirect, Mr. Dong?

16 MR. DONG: Yes, your Honor.

17 (REDIRECT EXAMINATION BY MR. DONG:)

18 Q. Mr. Wang, let me direct your attention to Plaintiffs'
19 Exhibit 1.

20 A. Yes, I see it.

21 Q. Let me direct your attention to page 2 Bates stamped at
22 D-019.

23 Let me direct your attention to Check Number 1332 at the
24 bottom left corner.

25 Do you have it?

—WANG - CROSS - WANG—

1 For the check dated April 5th, 2012, which month --

2 A. I see it.

3 Q. Which month does this check cover?

4 A. The first check covers February.

5 Q. I am asking you about the check dated April 5th, 2012?

6 A. I see another one.

7 Q. Which month does this check cover?

8 A. March.

9 Q. And let me direct your attention to the next page, Bates
10 stamped D-020.

11 Do you have it?

12 A. I see it.

13 Q. Bottom left. Check Number 1488.

14 Do you have it?

15 A. Okay. Thank you.

16 Q. For the check dated June 12th -- I'm sorry. For the
17 check dated June 5th, 2012, which month does this check cover?

18 A. May.

19 Q. So is it fair to say that the check you received from
20 Chapei covers the month that was prior -- covers the prior
21 month?

22 A. Correct.

23 Q. And you worked the full month to receive the checks you
24 received, correct?

25 A. Correct.

—WANG - CROSS - WANG—

1 Q. You testified earlier that the boss directed Mr. Yu to
2 train you when you work along with him, correct?

3 A. Correct.

4 Q. How did she direct Mr. Yu?

5 A. I would not be able to tell you how she told him. She
6 would actually observe that I worked okay. She believed that
7 I could be trained as a chef.

8 Q. Other than Thanksgiving, was Chapei closed for business
9 on any other days during the year?

10 THE INTERPRETER: Counsel, other than what?

11 Q. Other than Thanksgiving Day?

12 A. I'm not sure.

13 Q. How many days does Chapei open for business in 2012?

14 A. I'm not absolutely sure. But I will say, apart from the
15 closing day that I mentioned, all the other days of the year,
16 it was opened for business.

17 Q. So in 2012, other than Thanksgiving Day, Chapei was open
18 for business all year?

19 A. Yes, correct. They open all those days.

20 Q. What about 2013?

21 A. I don't remember exactly.

22 Q. Was Chapei closed for business on Thanksgiving Day in
23 2013?

24 A. In each year, every year, they closed for Thanksgiving
25 Day.

—WANG - CROSS - WANG—

1 Q. And other than Thanksgiving Day, Chapei was opened for
2 business?

3 A. Correct.

4 Q. And when you were transferred around between different
5 locations, you received the same check from your boss, right?

6 THE COURT: One second. Is there an objection?

7 MR. WANG: Yes, your Honor. I have an objection. I
8 think counsel has repeatedly been using leading questions. I
9 think it's time to stop that.

10 THE COURT: So noted.

11 MR. DONG: I'll rephrase.

12 THE COURT: I'm going to sustain that objection.

13 BY MR. DONG:

14 Q. When you were transferred around, who paid you?

15 A. Still the boss.

16 Q. In what manner did she pay you?

17 A. Checks.

18 Q. And did your rate change from store to store?

19 A. No, the pay did not change. Just changed the work
20 location.

21 Q. Who actually transferred you around?

22 A. The boss decided that.

23 Q. And when you were hired, did your boss tell you how many
24 hours the monthly rate intended to cover? Let me rephrase.

25 When you were hired, did your employer tell you how many

—WANG - CROSS - WANG—

1 hours the fixed monthly rate intended to cover for each month?

2 A. No, they did not mention about the hour.

3 Q. And you testified earlier that each day you would get the
4 slip from ShopRite and then you would turn it over to the
5 employer, right?

6 A. Correct.

7 Q. Which specific person did you give the slip to?

8 A. There's one person who acted as boss's liaison person.

9 Q. Did you ever hand over the slip to your boss directly?

10 A. Yes.

11 MR. DONG: No further questions, your Honor.

12 THE COURT: Anything on recross?

13 MR. WANG: No, your Honor. We're good.

14 THE COURT: Then, at this time, that concludes your
15 testimony. You're free to step down.

16 Mr. Dong.

17 MR. DONG: Your Honor, I would like to have the
18 opportunity to recall Mr. Wang for identification purposes.

19 THE COURT: Any objection to that, Mr. Wang?

20 MR. WANG: I don't understand what that
21 identification purposes is.

22 MR. DONG: Because the way that Mr. Wang spelled the
23 defendant's name is not exactly the same spelling as
24 defendant's spelling on the docket, your Honor.

25 THE COURT: For now, why don't we reserve on that.

—YU - DIRECT - DONG—

1 And if we reach a point where you need to recall him,
2 you can let the Court know precisely what it is that you need
3 to recall him for and that would be a more appropriate time to
4 entertain an objection. Because right now, it's hypothetical
5 and I'd like to wait and just see what you're referring to.

6 MR. DONG: Okay, your Honor.

7 THE COURT: Are you going to call your next witness,
8 or what are you doing today?

9 MR. DONG: I would like to call Mr. Yu for my next
10 witness.

11 HAILONG YU, PLAINTIFFS' WITNESS, SWORN.

12 THE DEPUTY COURT CLERK: Please state your name for
13 the record and spell your last name.

14 THE WITNESS: Hailong Yu. H-A-I-L-O-N-G. Y-U.

15 THE COURT: Mr. Yu, you've been seated in the
16 courtroom during the testimony of Mr. Wang, correct?

17 THE WITNESS: Correct.

18 THE COURT: So I just want to make sure you
19 understand I want you to wait until the question is fully
20 posed before you begin to speak. It's important the court
21 reporter not hear too many voices while trying to take down
22 what is being said. So please wait until the question is
23 fully posed.

24 And if there is an objection at any point, just
25 please stop speaking and let the Court entertain the

—YU - DIRECT - DONG—

1 objection.

2 THE WITNESS: Okay.

3 THE COURT: Mr. Dong.

4 (DIRECT EXAMINATION BY MR. DONG:)

5 Q. Good afternoon, Mr. Yu.

6 What is your current address?

7 A. 140-45 Ash Avenue, Flushing, New York, 11355.

8 Q. Are you familiar with an entity Chapei LLC?

9 A. Yes, I do.

10 Q. What is your relationship with Chapei?

11 A. Employee/employer relationship.

12 Q. When did you start working for Chapei?

13 A. August of 2010.

14 Q. When did you stop working for Chapei?

15 A. July 2013.

16 Q. What type of business does Chapei run?

17 A. They do fast food business.

18 Q. And where were Chapei locations located?

19 A. In New Jersey.

20 Q. Did Chapei have independent stores or were they inside
21 other businesses?

22 A. They operated inside ShopRite.

23 Q. During your term of employment with Chapei, how many
24 store locations did Chapei have?

25 A. Seven.

—YU - DIRECT - DONG—

1 Q. And how many locations, did you personally work at?

2 A. I went to all the locations except Number 7 and Number 3.

3 Q. And start from the beginning of your employment. Which
4 location, did you work at?

5 A. Number 5.

6 Q. How long did you work in this store?

7 A. Around one year.

8 Q. So when was your -- when did you work for Store Number 5?

9 A. We started to work at 8 o'clock in the morning. By the
10 time we reached Store Number 5, it will be 9:40 or 9:45.

11 Q. My question was from when to when, did you work at Store
12 Number 5?

13 A. From 9:45 to 8:00 a.m. to 6:30 to 7:00 p.m.

14 Q. What month and year, did you start working at Store
15 Number 5?

16 A. From August 2010, I work there for about one year.

17 Q. And what's the next location you worked at?

18 A. Store Number 2.

19 Q. From when to when, did you work at Store Number 2?

20 A. From February/March of 2010 to August or September of
21 2011. For about half a year.

22 Q. And what was the next store you worked at after Store
23 Number 2?

24 A. Next, I went to Number 6.

25 Q. From when to when, did you work at Number 6?

—YU - DIRECT - DONG—

1 A. I stay there for about half a year.

2 Q. From what month and year to what month to what year?

3 A. From February of 2012 to August of 2012 when I stayed at
4 Number 6.

5 Q. Where did you work between September 2011 and
6 February 2012?

7 A. I was in Number 2.

8 Q. And after you worked at Store Number 6, where did you
9 work?

10 A. Probably, I returned to work in Store Number 5 for
11 several months.

12 Q. And from when to when, did you work at Store Number 5
13 again?

14 A. I stayed there for three to four months. Around three
15 months.

16 Q. Which store did you work at at the time when you left
17 Chapei?

18 THE INTERPRETER: The interpreter needs to
19 reinterpret it.

20 THE COURT: Why don't you repeat the question again.

21 Q. Which store did you work at when you left Chapei?

22 A. You mean, when I left ShopRite?

23 Q. Chapei?

24 A. Chapei? I've been working in this company up to July of
25 2013. And I left.

—YU - DIRECT - DONG—

1 Q. Who put you in different store locations?

2 A. Boss. Ms. Cha Lee Lo.

3 Q. How do you spell her name?

4 A. I don't know if the name was spelt in English or in
5 Chinese phonetic alphabet.

6 Q. How much was your initial rate of pay when you were hired
7 by Chapei?

8 A. I found job from some job agency. When I started, my
9 payroll was 1,300 monthly.

10 Q. And when you first started working at Chapei, who did you
11 meet with?

12 A. Boss. Boss.

13 Q. Where did you meet with the boss?

14 A. I met her at some bus station.

15 Q. And did she tell you you would receive 1,300 a month?

16 A. Correct.

17 Q. What else did she tell you?

18 A. Nothing particularly. Before I went there, the job
19 agency told me the same.

20 Q. Throughout your employment at Chapei, when did your day
21 start?

22 THE INTERPRETER: I'm sorry.

23 Q. When does your day start?

24 A. August 2010.

25 Q. What hour of the day, did you start working?

—YU - DIRECT - DONG—

- 1 A. 8:00 a.m. each day.
- 2 Q. And when would you arrive at the store location?
- 3 A. When I get at Store Number 5 where I -- the one I decided
- 4 to work, it would be sometime around 9:45 p.m.
- 5 Q. And what time, did you get off work?
- 6 A. 6:30, sometimes 7:00 p.m.
- 7 Q. And during your day, did you have any breaks?
- 8 A. Nope. Nope. We did not have that.
- 9 Q. Did you have lunch at the store?
- 10 A. We did not have the time scheduled for lunch.
- 11 Q. And if you did take lunch, how long would it take you to
- 12 finish your lunch?
- 13 A. Sometimes I had to finish it in two minutes, just two
- 14 minutes.
- 15 Q. What was your job position at Chapei?
- 16 A. I was a chef.
- 17 Q. What were your duties?
- 18 A. Prepared the food like beef, meat, steak, and the
- 19 vegetables. These must be prepared in the kitchen. Also,
- 20 like cooking the noodles, prepare different materials, like
- 21 prepare the kitchen and fried dumplings, something like that.
- 22 Q. What cooking materials did you have to handle during your
- 23 work?
- 24 A. Like a ladle, spatula, and something like that.
- 25 Q. And what ingredients did you have to use?

—YU - DIRECT - DONG—

1 A. Things like soy sauce, cooking oil, salt, vinegar, sugar,
2 and alike.

3 Q. Let me direct your attention to the year 2012.

4 Were you aware of the daily gross revenue of the stores
5 you worked at?

6 A. I know.

7 Q. And were you aware of the weekly gross revenue of each
8 store you worked at?

9 A. I know all these.

10 Q. How were you aware?

11 A. Every week the boss would have a meeting and apart (sic)
12 some instructions. We would also talk about the work report,
13 business report we got from ShopRite where it was kept listed
14 the daily revenue and the business volume.

15 Q. In 2012, how many stores, did you work at for Chapei?

16 A. Number 2, Number 6.

17 Q. What was the lowest daily revenue you have experienced in
18 these stores?

19 A. You mean every week?

20 Q. I mean, every day? Daily?

21 A. I'd say 350.

22 Q. What was the highest daily gross revenue you have
23 experienced in 2012?

24 A. From 800 to 900 to 1,000. In certain days, when it was a
25 snowstorm, the volume could reach to 1,900.

—YU - DIRECT - DONG—

1 Q. What was the lowest daily revenue in 2013 for the stores
2 you worked at?

3 A. From 330 to 350.

4 Q. What was the highest daily gross revenue you have
5 experienced in 2013?

6 A. I want to say 7 to 800.

7 Q. In 2012, what was the lowest weekly revenue you have
8 experienced at the stores you worked at?

9 A. The lowest was three -- 33 hundred.

10 Q. In 2013, what was the lowest weekly gross revenue you
11 have experienced?

12 A. Around that.

13 Q. What's the number?

14 A. Thirty-three to thirty-five hundred.

15 MR. WANG: I'm sorry, did he say 300 or 3,000? Let's
16 clarify that.

17 THE INTERPRETER: I remember he said thirty-three
18 hundred to thirty-five hundred.

19 MR. WANG: That's not what I heard, your Honor.

20 THE COURT: Counsel, I'm not getting into the
21 translation. If you want to do it on cross, you can do it on
22 cross. But right now, that's what the interpreter has said.

23 If you want to repose the question, you can repose
24 it. It's up to you.

25 BY MR. DONG:

—YU - DIRECT - DONG—

1 Q. In 2013, what was the lowest weekly gross revenue you
2 have experienced?

3 A. More than 3,000.

4 Q. In 2012, what was the highest weekly revenue you had
5 experienced?

6 A. The highest, I will say 5,800.

7 Q. And in 2013?

8 A. I will say about the same. From 5 to 6,000.

9 Q. How were you paid when you worked at Chapei?

10 A. They pay me the 5th of each month. The boss was Cha Lee
11 Lo.

12 Q. And what method were you paid?

13 A. Checks.

14 MR. WANG: Your Honor, just bear with me. I need to
15 verify if all these were produced before.

16 THE COURT: If what?

17 MR. WANG: I think counsel just showed me a copy of
18 the checks.

19 THE COURT: Is this a joint exhibit?

20 MR. DONG: Yes, your Honor. I showed defense counsel
21 Exhibit 2.

22 THE COURT: Exhibit 2.

23 MR. WANG: However, we -- the Bates numbered, all the
24 check copies, the last two -- the last three pages are not
25 Bates numbered. Just bear with me. If I have the same check

—YU - DIRECT - DONG—

1 copies, then I will have no problem with this.

2 MR. DONG: Your Honor, they are all Bates stamped.

3 THE COURT: Okay.

4 Proceed, Counsel.

5 MR. DONG: May I approach the witness.

6 THE COURT: Yes.

7 BY MR. DONG:

8 Q. Mr. Yu, I am showing you Plaintiffs' Exhibit 2.

9 Do you recognize these documents?

10 A. Yes, these are the checks from the company.

11 Q. These were checks to you?

12 A. Correct.

13 MR. DONG: Your Honor, at this time I would like to
14 introduce Plaintiffs' Exhibit 2 into evidence.

15 THE COURT: It's a joint exhibit.

16 Counsel, any objection?

17 MR. WANG: No objection, your Honor.

18 THE COURT: So moved.

19 (Plaintiffs' Exhibit 2 in evidence.)

20 Q. Mr. Yu, when you were transferred around, did your
21 monthly rate change?

22 A. No, it did not change.

23 Q. And you would receive the same check?

24 A. Correct.

25 Q. Let me direct your attention to document Bates stamped

—YU - DIRECT - DONG—

1 D-009.

2 Do you have it?

3 Let me direct your attention to the upper left corner,

4 Check Number 1418?

5 A. Yes.

6 Q. For the check dated May 5, 2012.

7 For what month did this check cover?

8 A. April, the previous month.

9 Q. Let me direct your attention to the next page, Bates
10 stamped as D-010.

11 Let me direct your attention to the upper left corner,
12 Check Number 1487.

13 A. Yes.

14 Q. The check dated June 5th, 2012?

15 A. Yes.

16 Q. For which month was this check covered?

17 A. It also paid the previous month.

18 Q. So all the checks you received, were for the work you've
19 done for the previous month?

20 A. Correct.

21 Q. Who paid you these checks?

22 A. Ms. Lo, our boss.

23 Q. Throughout your employment with Chapei, was there any
24 methods used to track employees' working hours?

25 A. No. No.

—YU - DIRECT - DONG—

1 Q. Throughout your employment with Chapei, did you receive
2 any documentation from your boss?

3 A. Nope.

4 Q. When you were first employed at Chapei, did you have to
5 provide any documentation to your employer?

6 A. I showed them my passport.

7 Q. Who requested your passport?

8 A. The job agency.

9 Q. Who did you give your passport to?

10 A. When we met. When I met with the boss, I showed her the
11 passport.

12 Q. During your employment at Chapei, where did you live?

13 A. I lived in New Jersey. Somewhere in New Jersey.

14 Q. Was this the same dormitory where Mr. Wang lived?

15 A. Correct.

16 Q. How many people were in the bedroom you stayed in?

17 A. Two.

18 Q. How many bedrooms were in the property?

19 A. Five bedrooms. Three small ones, two big ones.

20 Q. How many bathrooms were the dorm?

21 A. One.

22 Q. How many employees lived in the dorm?

23 A. It was not fixed. I would say 18 to 21.

24 Q. How many employees lived in the dorm in 2012?

25 A. I would say along 20.

—YU - DIRECT - DONG—

1 Q. How about 2013?

2 A. The same.

3 Q. What other locations hosted Chapei's employees?

4 A. For the Store Number 7, since they were not able to
5 arrange the transportation properly, they rented someplace
6 near the store.

7 MR. DONG: I have no further questions, your Honor.

8 THE COURT: Anything on recross? Cross, not recross
9 examination.

10 MR. WANG: Your Honor, may I just take a bathroom
11 break. I only need two minutes.

12 THE COURT: I tell you what. Why don't we do this.

13 We'll take our afternoon break now. It's a little
14 bit earlier than I want. I usually take a break around 3-ish,
15 but why don't we take a short break, and we'll resume at 3:00.
16 Then we can go from 3:00 on until roughly 4:00.

17 And if there is a need to break a little earlier or a
18 little later, we can do that. But then, I'd like to hear from
19 you folks a plan of how we are going to proceed for tomorrow.

20 But for now, we'll take a short break. We'll resume
21 at 3 o'clock.

22 MR. WANG: Your Honor, for this trial, shall we
23 assume we will generally do it until 4 o'clock in the
24 afternoon?

25 THE COURT: I want to talk about it day by day. If

—YU - CROSS - WANG—

1 there is a reason to end early one day or a reason to go
2 slightly later, I can accommodate. I want to be efficient.
3 Okay.

4 MR. WANG: No problem. Thank you.

5 THE DEPUTY COURT CLERK: All rise.

6 (Recess at 2:47 p.m.)

7 THE DEPUTY COURT CLERK: All rise.

8 (Open court begins at 3:03 p.m.)

9 THE COURT: Please be seated.

10 Mr. Wang?

11 MR. WANG: Thank you, your Honor.

12 (CROSS EXAMINATION BY MR. WANG:)

13 Q. Mr. Yu, this is not your only lawsuit where you sue the
14 employer, correct?

15 A. Correct.

16 Q. You also sue the employer in Maryland, correct?

17 A. Correct.

18 Q. Where you asserted similar claims, similar wage and hour
19 claims, correct?

20 A. Correct.

21 Q. You get any money yet from that case?

22 A. I did.

23 MR. WANG: Your Honor, may I approach the bench to
24 show an exhibit I intend to use.

25 THE COURT: Have you given a copy to Mr. Dong or has

—YU - CROSS - WANG—

1 he seen a copy.

2 MR. WANG: Yes, I do have a copy.

3 Your Honor, I bring whatever copies that you ask me
4 to submit to the Court tomorrow.

5 Thank you.

6 Your Honor, may I approach the witness.

7 THE COURT: Yes, please.

8 (Defendants' Exhibit 9 in evidence.)

9 BY MR. WANG:

10 Q. Mr. Yu, I am showing you what has been marked as
11 Defendants' Exhibit 9. Take a look at this document.

12 Do you recognize this document?

13 A. No, I don't.

14 Q. I'm turning to page 15 of 16. Is that your signature?

15 A. Correct.

16 Q. Does this ring a bell as to what the document is?

17 A. No, not exactly. I don't remember.

18 Q. You filed a complaint against your employer in Maryland,
19 correct?

20 MR. DONG: Objection, your Honor.

21 THE COURT: What's the objection?

22 MR. DONG: It's not really relevant to this case.
23 What's the relevancy?

24 THE COURT: Counsel, you want to respond.

25 MR. WANG: Your Honor, I intend to impeach the

—YU - CROSS - WANG—

1 witness with facts stated in the complaint.

2 THE COURT: Objection is overruled.

3 THE WITNESS: Does it bear any relationship with this
4 case?

5 Q. What is the answer to my question?

6 A. Yeah, I did put my signature on there.

7 Q. So the signed -- there's a signature page which is part
8 of your complaint filed with a federal court in Maryland,
9 correct?

10 A. Correct.

11 Q. Do you know what a complaint is?

12 A. Payment about overtime.

13 Q. What I'm asking you is, do you know what document is a
14 complaint?

15 A. I don't remember.

16 Q. But do you understand the complaint is an important court
17 document where you assert your claims against the defendant?

18 A. I don't remember.

19 Q. Do you understand your complaint is a document where you
20 included important facts of the case?

21 A. I'm not aware of that.

22 Q. But you are aware that you stated certain facts regarding
23 your employment period, your pay rate, and the employment
24 practices in the complaint you filed with the Maryland federal
25 court, correct?

—YU - CROSS - WANG—

1 A. Correct.

2 Q. And it's certainly important to provide truthful facts to
3 the court, correct?

4 A. Of course.

5 Q. And the facts you stated in this complaint are all true,
6 correct?

7 A. Correct.

8 Q. The spelling of your name in the caption of this
9 complaint is a little different from the complaint in this New
10 Jersey federal court case.

11 In the complaint in the Maryland case, your name is
12 spelled as H-E-A-I space L-O-N-G space Y-U, correct?

13 A. Correct.

14 Q. And in the complaint for this New Jersey federal court
15 case your name is spelled as H-A-I-L-O-N-G, one word, and the
16 last name Y-U, correct?

17 A. Correct.

18 Q. And Weigang Wang is also involved in the Maryland
19 litigation case, correct?

20 A. Correct.

21 Q. And Weigang Wang -- the spelling of Weigang Wang in the
22 Maryland complaint is also slightly different from the
23 spelling of Weigang Wang in the New Jersey case?

24 A. I'm not aware of that.

25 Q. If you look at a caption of the Maryland case, Mr. Wang's

—YU - CROSS - WANG—

1 name is spelled as W-E-I space G-O-N-G space W-A-N-G, correct?

2 A. Yeah, it's spelled here, yes.

3 Q. And in the complaint for this New Jersey case, Mr. Wang's

4 name is spelled as W-E-I-G-A-N-G, W-A-N-G, correct?

5 A. Yeah, it's typed like that.

6 Q. So if we search your name or Mr. Wang's name based on the

7 spelling in the New Jersey case, we wouldn't be able to find

8 the Maryland case. Do you agree?

9 A. I don't know that. It's not my specialty.

10 Q. In the Maryland complaint, you allege that you work for a

11 restaurant called New Chopsticks, Inc. from May 10, 2013, to

12 December 1st, 2015, as a cook, correct?

13 A. Correct.

14 Q. But you stated in this complaint, in the New Jersey

15 litigation, that you worked for Chapei LLC until July 2013,

16 correct?

17 A. Correct.

18 Q. Your employment at Chapei LLC was full-time employment,

19 correct?

20 A. Well, yeah.

21 Q. Chapei LLC. Your employment at Chapei LLC, was a

22 full-time employment?

23 A. Full-time.

24 Q. Your employment at New Chopsticks, Inc., it was also

25 full-time employment, correct?

—YU - CROSS - WANG—

1 A. Correct.

2 Q. You didn't do two full-time employment -- two full-time
3 jobs at the same time for both Chapei LLC and at New
4 Chopsticks, correct?

5 A. How could I work the two full jobs at the same time?

6 Q. Mr. Yu, I'm showing you Defendants' Exhibit Number 1.
7 That's the complaint in this case.

8 A. Can I say something?

9 Q. There is no pending question.

10 My question is, on the last page of this document, is
11 this your signature?

12 A. Correct.

13 Q. You understand this is a complaint filed in this case,
14 correct?

15 A. Correct.

16 Q. And you describe your employment period in this
17 complaint, correct?

18 A. Correct.

19 Q. You also testified today under oath, correct?

20 A. Correct.

21 Q. Including your employment period with Chapei LLC?

22 A. Correct.

23 Q. And you're asking the Court to award damages to you based
24 on the employment period that you worked at Chapei LLC,
25 correct?

—YU - CROSS - WANG—

1 A. Correct.

2 Q. The complaint that you just saw, Defendants' Exhibit 1,
3 when you signed this document, did you understand -- strike
4 that.

5 Did you review this document before you signed it?

6 A. I'm not sure. You know, I asked the attorney to serve my
7 case. If you give me this English version, I don't think I
8 would not be able to read anything on it.

9 The working period in this case is different from what I
10 claimed in Maryland. It's impossible for me to work two
11 full-time jobs. It's impossible for me to work the two full
12 jobs in two states from New Jersey to Maryland.

13 Only after I left the job in New Jersey in July 2013
14 could I take the job in Maryland. My wife and my child came
15 in March of 2016, so I was not until 2015 when I returned from
16 Maryland.

17 Q. I have to stop you here.

18 THE COURT: Wait for the question, please.

19 Q. My question is, was the content of this complaint
20 explained to you before you signed it, Defendants' Exhibit 1?

21 A. Because I cannot read it, I don't know what this is.

22 Q. This is a complaint filed in this litigation matter
23 pending in this court.

24 My question to you is, was the content of this document
25 explained to you before you signed it?

—YU - CROSS - WANG—

1 A. I don't remember.

2 Q. Your testimony is that you signed it without knowing
3 whether -- what it said in the complaint is true?

4 A. No, I meant when I sign, I read the Chinese version. If
5 you gave me the English version, I wouldn't be able to tell
6 what the document is.

7 Q. Are you saying you read a Chinese version of the
8 complaint?

9 A. Correct.

10 Q. And the information stated in that complaint, the Chinese
11 version, is all true, correct?

12 A. Correct, all true.

13 Q. Otherwise, you wouldn't sign it?

14 A. Of course.

15 Q. Mr. Yu, I need to clarify a little bit as to the ShopRite
16 locations that you said you worked at.

17 First, did you previously work with plaintiff Mr. Wang at
18 the same store?

19 A. Yes.

20 Q. Do you recall from what time period, did you work with
21 Mr. Wang together?

22 A. The longest period we worked together was in Store 6.

23 Q. Store 6. Do you remember the time period?

24 A. The later half of 2012.

25 Q. Okay. Store Number 6, the second half of the year in

—YU - CROSS - WANG—

1 2012, is that your testimony?

2 A. I can hardly remember the exact month.

3 Q. Did you work with Mr. Wang at other stores together?

4 A. Yes. Occasionally, we worked together.

5 Q. Do you remember the time period, when you worked with
6 him?

7 A. We worked together in Store Number 5. We also spend time
8 together at Store Number 2 for two months.

9 Q. Okay. Let's talk about them one by one.

10 Store Number 2, do you remember the time period?

11 A. That would be the time when we almost stopped working
12 there. I will say from May to July of 2013.

13 Q. Store Number 5, do you remember when you worked together
14 with him?

15 A. It was later half of the year, when I have to train him.

16 Q. But you don't remember how long it was and when the time
17 period was, correct?

18 A. Correct.

19 Q. Mr. Wang testified about the seven stores that he worked
20 at.

21 How many stores did you work at during your employment?

22 A. You're talking about me?

23 Q. I withdraw that question.

24 You testified earlier today that you worked at five
25 ShopRite locations, correct?

—YU - CROSS - WANG—

1 A. Correct.

2 MR. WANG: Your Honor, may I approach the witness.

3 THE COURT: What are you showing him?

4 MR. WANG: This is Defendants' Exhibit 11.

5 THE COURT: Is it a joint exhibit?

6 MR. WANG: Yes, I think it's probably a new exhibit.

7 THE COURT: Mr. Dong.

8 MR. DONG: Your Honor, I don't think this was part of
9 the joint exhibits.

10 MR. WANG: It's not, your Honor. I'm using it for
11 impeachment purposes.

12 THE COURT: You want to show a copy to Mr. Dong,
13 please.

14 MR. WANG: I already provided a copy.

15 MR. DONG: No objection.

16 THE COURT: Okay.

17 (Defendants' Exhibit 11 in evidence.)

18 BY MR. WANG:

19 Q. Mr. Yu, I'm showing you what's been marked as Defendants'
20 Exhibit 11.

21 I ask you to take a minute to look at it.

22 Do you recognize this document?

23 A. I cannot tell.

24 Q. On the last page, this is your signature, correct?

25 A. Correct.

—YU - CROSS - WANG—

1 Q. Do you recall you signed an affidavit on or about
2 November 3rd, 2017?

3 A. 2017? March?

4 Q. Correct.

5 A. November 2017.

6 Q. November 3rd, 2017. Did you sign an affidavit on that
7 day?

8 A. I don't remember.

9 Q. At the beginning of your affidavit, it states that you
10 duly swore and under the penalty of perjury. And the last
11 paragraph, Paragraph 11, states this document has been
12 translated to me in the native language of Chinese in a fully
13 comprehensive context?

14 A. I cannot tell what document is in your hand.

15 Q. Paragraph 6 of this document provided a list of ShopRite
16 locations that you have worked at pursuant to your statement
17 in the affidavit. You listed four specific addresses for four
18 locations and stated three additional ShopRite locations.

19 You certified to this Court under the penalty of perjury
20 that you have worked at all these seven ShopRite locations?

21 A. From the very beginning, when I answer the question, I
22 say, I did not work at Number 3 and Number 7 store.

23 Q. Mr. Yu, you have no pending question. In this document,
24 you mentioned you received \$50 bonus at least twice per month?

25 A. Correct.

—YU - CROSS - WANG—

1 Q. Even though, very slow month, you would have received \$50
2 bonus per month?

3 A. It's not very slow. They have a criteria. If the
4 business was below a certain amount, I would not get any
5 bonus.

6 Q. This document -- this affidavit also talked about the
7 price for certain foods and how many pounds of food that you
8 would have prepared while working at ShopRite?

9 A. Correct.

10 Q. You remember, you signed a document -- an affidavit that
11 contained information about the locations that you worked,
12 correct?

13 A. If -- in the case of Chinese, yes, I read it and signed
14 it.

15 Q. That last paragraph of this document, does say it has
16 been translated to you in Chinese.

17 A. In that case, I put my signature, yes.

18 Q. Mr. Yu, having been involved in two wage and hour law
19 litigation cases, do you know -- there is a requirement about
20 a \$500,000 threshold.

21 You know that requirement, correct?

22 A. Yes, I know that.

23 Q. And you knew at some point, we, as the defendant counsel,
24 raised coverage issues which concerned \$500,000 issue,
25 correct?

—YU - CROSS - WANG—

1 THE COURT: One second.

2 MR. DONG: Objection.

3 THE COURT: Is there an objection?

4 MR. DONG: Calls for speculation.

5 THE COURT: Counsel, you want to respond? There is
6 an objection based on calls for speculation.

7 MR. WANG: Your Honor, I was just asking him --

8 THE COURT: Why don't we rephrase the question, then.

9 Q. During the pendency of this litigation, did you ever know
10 that we ask the Court to dismiss the case because the company
11 Chapei LLC did not make \$500,000?

12 A. I don't know that.

13 Q. But did you know when you signed this affidavit, this was
14 a document submitted to the court regarding, in part, the
15 \$500,000 issue?

16 A. I'm not saying I don't know about this threshold of
17 \$500,000. I just sued this boss for not paying me for my
18 overtime.

19 Q. But did you know when you signed it, you were certifying
20 to the Court under penalty of perjury that you had worked for
21 all seven stores all created by Chapei LLC?

22 A. I told you I knew about Store Number 7 and Number 3. But
23 you changed the version to, "I worked there."

24 Q. So you, in fact, did not work at Store Number 7, correct?

25 A. Correct, I did not work there.

—YU - CROSS - WANG—

1 Q. And you also never worked at Store Number 3, correct?

2 A. Only visited there, but I did not work there.

3 Q. Store Number 1 -- strike that.

4 You did not work at Store Number 7. And Store Number 3
5 you didn't work there, correct?

6 A. Correct.

7 Q. Let's talk about the remaining five locations.

8 Store Number 1, do you know the address?

9 A. It's very close to where I live, but I'm not able to tell
10 you the exact address. Very close to boss's property.

11 Q. Store Number 2, do you know the address?

12 A. I can tell you nothing about the address of these stores.

13 Q. Store Number 1, based on your recollection, for what time
14 period did you work there?

15 A. I would say I worked there as substitute sometimes --
16 several times in later half of 2012.

17 Q. Do you remember -- I'm sorry.

18 You testified in the second half of 2012, correct?

19 A. Correct.

20 Q. Do you remember which month?

21 A. It was very short, so I'm not able to tell you. It was
22 not on schedule.

23 Q. Okay. So you don't remember the month.

24 Store Number 2, based on your recollection, from what
25 time period did you work there?

—YU - CROSS - WANG—

1 A. I can roughly give you. I worked there twice.

2 Q. Okay.

3 A. After I left Store Number 5 in August or September, I
4 started to work in Store Number 2 for about half a year.
5 After that, I was sent to Number 6.

6 Q. Let's talk about Store Number 2, first. I'll get to
7 Number 6.

8 Regarding Store Number 2, you testified you worked there
9 during two different time periods, correct?

10 A. Correct.

11 Q. Based on your recollection, when was the first time
12 period?

13 A. From August 2011 to February or March of 2012.

14 Q. Okay. That's the first time period.

15 The second time period, when was it, based on your
16 recollection?

17 A. For the later half of 2012 to July 2013, when I start
18 working there.

19 Q. Second half of 2012?

20 A. Correct.

21 Q. Until when?

22 A. July of '13, when I stopped working there.

23 Q. Okay. So Store Number 4, based on your recollection, do
24 you remember when you worked there?

25 A. I would say, it was in the occasion when someone were

—YU - CROSS - WANG—

1 absent from work -- from the job, and they let me go there to
2 work as substitute. Sometimes people got sick or they did not
3 work satisfactorily, so they asked me to go there.

4 Q. So how many times -- strike that.

5 How many days would you stay at Store Number 4 each time?

6 A. It's not scheduled. Sometimes two -- two, three times in
7 a month.

8 Q. Do you remember those days?

9 A. I don't remember the exact dates.

10 Q. Store Number 5, based on your recollection, from what
11 date to what date did you work there?

12 A. Starting from the beginning of my job with them, that was
13 from August of 2010 up to about one year I stayed there.

14 Q. That means until about August 2011?

15 A. Correct. A little over one year but I forget the exact
16 dates.

17 Q. Do you remember -- strike that.

18 Until which month in 2011, did you work at Store
19 Number 5?

20 A. For the whole year. From August of 2010 to August of
21 2011, I was working in Store Number 5.

22 Q. Store Number 6, based on your recollection, do you
23 remember from what date to what date you worked there?

24 A. I was switched from Number 2 to Number 6 where I stayed
25 for about half a year.

—YU - CROSS - WANG—

1 Q. In 2012?

2 A. Correct, in 2012.

3 Q. From what month to what month?

4 A. I would say from August 2012 to February.

5 Q. February 2013?

6 A. No, not that long.

7 Q. So you testified that you worked there from August 2012
8 until February. February, which year?

9 A. I worked -- I worked a little over one year in Number 5,
10 then I switched Number 2 from where I was changed to Number 6.

11 Q. So you worked at Store Number 6 for about half a year,
12 correct?

13 A. Correct.

14 Q. So if you started -- you testified that you started in
15 August 2012. So six months later, that should be
16 February 2013, correct?

17 A. Correct. I started there from February of 2012 to August
18 of 2012.

19 Q. You testified earlier that you started at Store Number 6
20 in August 2012. Now, you are testifying that you started
21 actually in February 2012. So which version of the facts do
22 you want the Court to adopt?

23 A. Half year from February of 2012 to August of 2012.

24 Q. Okay. First time -- that's your first time testimony.

25 And then your second time testimony, is that you worked there

—YU - CROSS - WANG—

1 from February 2012 until August 2012.

2 Mr. Wang testified that the workers lived in a dorm
3 provided by the defendant?

4 A. Correct.

5 Q. And you also lived in the same dorm, correct?

6 A. Correct.

7 Q. Do you remember the address of that dorm starts with 400?

8 A. Yes, I can remember the beginning number.

9 Q. Do you know the full address of the dorm?

10 The full address of the dorm where you lived in?

11 A. No, I can't.

12 Q. Does 400 Foothill Road, Bridgewater, New Jersey, sound
13 like the correct address of the dorm?

14 A. If familiar, I would say only the 400 because that's the
15 number they put on the road -- by roadside as the distance. I
16 can remember that.

17 Q. In the complaint, Defendants' Exhibit Number 1,
18 paragraph 26, you stated that both you and Mr. Wang each
19 worked there approximately nine and a half hours per day.

20 Is that a truthful statement based on your recollection?

21 A. Correct. From nine hour and a half to 10 hours daily.
22 Except Store Number 5 because it's the last one they stopped
23 at. So, in beginning we might be a little late, and they
24 might stop work a little early.

25 MR. WANG: Your Honor, may I present this exhibit. I

—YU - CROSS - WANG—

1 will use it to impeach the witness.

2 MR. DONG: No objection from plaintiffs.

3 (Defendants' Exhibit 1 in evidence.)

4 THE COURT: Counsel, how much are you looking to go
5 to today?

6 MR. WANG: I probably have maybe another 45 minutes
7 to one hour.

8 THE COURT: So, we can either stop here and we can
9 pick up tomorrow, or if you want to proceed a little bit
10 further with this particular line of questioning, if you
11 believe there is something that you want to lock in, or I'm
12 happy to go ahead and start tomorrow. It's up to you.

13 MR. WANG: Sure, no problem.

14 THE COURT: It's 4:01 p.m. We're going to adjourn
15 for today. You can step down. You're excused.

16 I remind you, you remain under oath. We'll pick up
17 tomorrow at 9:30 a.m. We'll pick up with cross-examination.
18 We'll be looking to complete Mr. Yu, and I believe we have
19 only one more witness, right?

20 MR. WANG: Yes.

21 THE COURT: Anything before we leave by way of
22 housekeeping for today?

23 MR. DONG: Nothing from the plaintiffs.

24 MR. WANG: No.

25 THE COURT: I'll see you folks tomorrow.

—YU - CROSS - WANG—

1 Have a good evening.

2 THE DEPUTY COURT CLERK: All rise.

3 (Court concludes at 4:01 p.m.)

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FEDERAL OFFICIAL COURT REPORTER'S CERTIFICATE.

- - - - -

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

/S/ CATHY J. FORD, CCR, CRR, RPR

July 16, 2019

Court Reporter

Date

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